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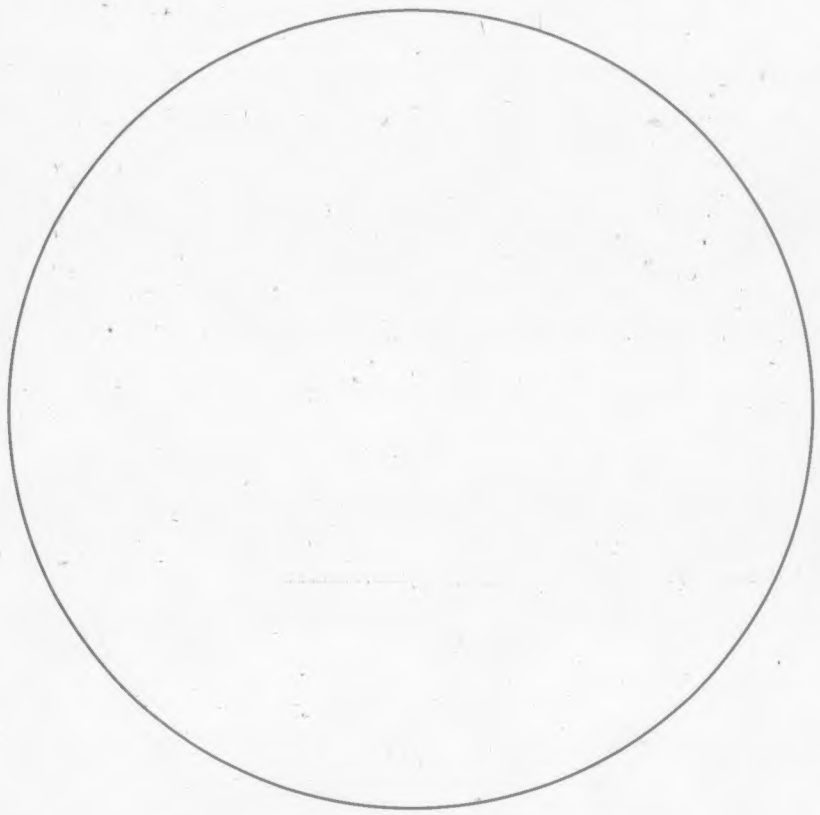

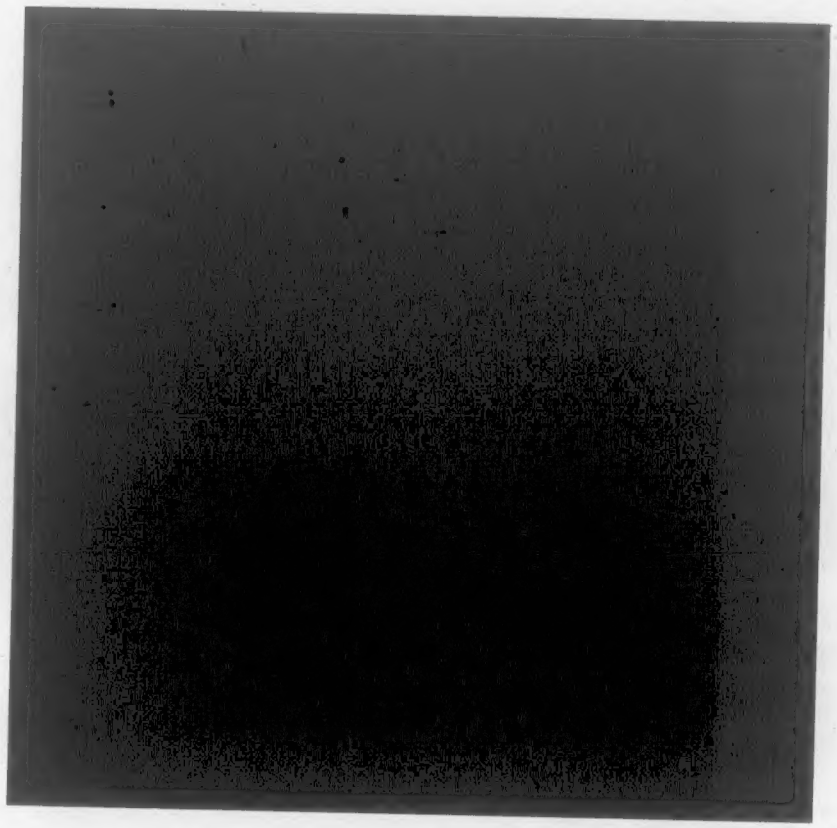

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 318

CHEROKEE D996 - D1071

THE NATIONAL ARCHIVES
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DEPARTMENT OF THE IN
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FILED
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STEG CHAIRMAN

Commissioner.

Enclosed herewith find a claim to place an area of land not exceeding 160 acres, in the Lost Wheel, Montana.

Inasmuch as the land is not in a mineral district, the Commissioner has decided that the case in question is a fit, and consequently, the case in question is a fit, and consequently, the case in question is a fit, and consequently,

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 17, 1900.

In the matter of the application of Beauford A. Wheeler for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Beauford A. Wheeler.
Q What is your age? A 23.
Q What is your postoffice? A Fort Smith, Ark.
Q What district do you live in? A State of Arkansas.
Q Are you a recognized citizen of the Cherokee Natign? A By blood.
Q Who do you desire to enroll? A Myself.
Q Your name on the roll of 1880? A No sir.
Q What is your father's name? A John C. Wheeler.
Q He living? A No sir.
Q What is your mother's name? A Lulu Sanders.
Q She living? A Yes sir.
Q Is your father's name on the roll of 1880? A No sir, he died just before the roll was made; about three months before.
Q Have you ever been admitted to Cherkee citizenship? A No sir; my uncle has always been my guardian. He was appointed after my father died.
Q Was your father and mother ever admitted to citizenship? A My father was.
Q Did you draw Cherokee strip money in 1894? A Yes sir.
1896 roll; page 1110, #1596, Buford Wheeler, Sequoyah district.
1894 roll; page 1008, #1502, Buford Wheeler, Sequoyah district.
Q You have property in the Cherokee Nation? A Yes sir.
Q Where ? A At Checotah.

By Ridge Pascale, attorneyfor applicant-
Q When did your father die? A In July, 1880.
Q After your father died you know who was your legal guardian? A W. W. Wheeler was my guardian.
Q W. W. Wheeler was your guardian? A Yes sir.
Q Have you a letter from him saying so? A Yes sir.
Q You have a place in the Cherokee Nation? A Always.
Q How old are you? A 23.
Q Do you know from hear say whether your name was returned to the Census enumerators in 1880? A Yes sir, it was returned to W. W. Wheeler's family.

By Commissioner Needles-
Q Did your father die before 1880? A He died in the year 1880.
Q Is your mother living? A Yes sir.
Q Her name doesnot appear upon any roll? A No sir.
Q She is not a citizen by blood? A No sir.

By Ridge Pascale, attorney for applicant-
Q Do you know what troops your father served with during the war of the rebellion? A No sir, I do not.
Q You know whether he was captian or not? A He was captain I know that.
Q He served with the Indian troops? A Yes sir, with the Cherokee troops.

Commissioner Needles-
The name of Beauford A. Wheeler is found upon the Census roll of 1896, and is found upon the pay roll of 1894. By reason of her name not being found upon the authenticated roll of 1880, final judgment as to the enrollment of said Beauford A. Wheeler will be suspended, and her name will be placed upon a doubtful card.

B.A.V.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E.G. Rothenberger

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

CD996

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

Acting Chairman.

notes spread
'looted'.
the foregoing is a true and complete transcript of my stenographic
testimony and proceedings had in the case, and filed with the
Commission to the Five Civilized Tribes in the case above entitled
I. T. C. Dawson, Jr. being duly sworn, says that he is a stenographer to the
Commission to the Five Civilized Tribes and that the above and foregoing
is a true and correct transcript of the stenographic notes taken by him
in the above case, and filed with the Commission to the Five Civilized Tribes
at Muskogee, I.T.

---oooOooo---

Subscribed and sworn to before me this 1st day of April, 1902.

---oooOooo---

- 2 -

Supl.-C.D.#998.
" 996.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of KATE WHEELER, C.D.#998, and BEAUFORD A. WHEELER, C. D. #996, as citizens of the Cherokee Nation.

Appearances:
Ridge Paschel, Tahlequah, I.T., Attorney for applicants
W. W. Hastings, Cherokee Representative.

WILL W. WHEELER, being duly sworn, testified as follows on part of the applicants:

By the Commission:

Q What is your name? A Will W. Wheeler/
Q How old are you? A 54 years old.
Q Where do you live? A Sallisaw.
Q Do you resire to make a statement relative to the applications of Kate and Beauford Wheeler? A Yes, sir.

MR. PASCHEL:

Q Just go on and tell all you know about it? A They are children of John C. Wheeler, an older brother of mine. Their mother was a Lula G. Sandels; she was not a citizen of the Cherokee Nation. My brother was an Indian, Cherokee.
Q Your bother was a Cherokee citizen? A Yes, Cherokee; what is it you want to know?
Q I want you to tell your relation, about when your brother died; did you serve with him in Wittie's Regiment, Cherokee Indian Brigade? A Yes, sir.
Q Brother was an officier in there was he? A Yes; I don't know the ages of these children, but at the time of the enrollment in 1880 my ~~brother was~~ impression was that I enrolled these children, and I have always been of the impression that they were enrolled with my children up to the time of the visit of the Dawes Commission at Sallisaw, I found that their names was not on the roll. I was positive that I enrolled them.
Q Well, tell the Commission what ~~xxxx~~ took place between you and the full-blood Indians? Well, in enrolling my children there I enrolled them all and some old full-blood sitting by there,-after going over all of our childrens' names, I then enrolled the three children of my brother, and old full-blood sitting there he just spoke and said "squea," which meant that I had a heap of children, and I told him that they were not all mine that three belonged to my brother, and then at the next enrollement in which they had the distribution of bread money I went to Frank Faulkner and asked him to appoint me as their guardian which he did and so far as the appointment was concerned it was just a little scrap of paper and I don't know ~~xxx~~ whether there was any record made of it, and I drew their money.

COMMISSION:

Q Where were these children born? A Born in Fort Smith.
Q Have they ever resided here in the Cherokee Nation? A Not as a matter of home; they have been here with the members of their family, but they have not been here as their home.
Q They are residing here at the present time? A Yes, sir; their mother refused to move to the Nation and they were under age.
Q Do they own any property here in the Cherokee Nation?

Q Yes, sir, they own a farm down here close to ~~Chuckmx~~ Checotah.
Q How long have they owned that farm? A I could not tell you; the first I knew ow them owning that property was through Judge Joe Lynch; he told me one time "I have got in possession a place belonging to your brother's children;" He says "I have had it fmr sometime," and he says "in case anything happened to me, I would like to own it," and he told me where it was and then "I would like for you to have the place in case of my death but I will look after it" up until any time I wanted it. I told him he lived near the place, and after his death I god Isaac Burteff just a few years ago, I told him, a young man, he had better take the place.himself.
Q How long have they derived the rent from that place? A I suppose ten or 12 years, I don't know how long it has been; it has been a good many years.
Q These people were not living in the Cherokee Nation when the roll of 188(was made? A No, sir, they were not,~~in~~ ~~thmm~~ neither were they at the time of these other rolls, there were recognized by the Cherokee authorities and put on the rolls for the distribution of this money.
Q When did their father, John C. Wheeler, die? A He died in 1880.
Q Prior to his death had he always been recognized as a citizen?
A Yes, sir.
Q He is a full brother of yours? A Yes, sir, same father and mother.
Q Where did your brother die? A He died out there from Fort Smith about ten or 12 miles.
Q In the Cherokee Nation? A No, sir; In Arkansas.
Q How long had he been there when he died? A He had only been there a short time, he died suddenly.
Q Had he resided in the Cherokee Nation prior to that?
A No, sir, he had never resided in the Cherokee Nation since the war.
Q Where had he been making his home? A In Fort Smith.

MR. PASCHEL:

Q Will you please state Mrs. Wheeler's condition, since she become of age, these girls become of age? A She has been an invalid. I asked one of the girls to come and make her home with me a number of years ago and she would not do it because her mother was an invalid; I was in Fort Smith the other day and asked them to come up before the Commission and they would not leave on account of the condition of their mother.
Q They have received money from the Cherokees? A Yes, sir.
Q And they have had farms in the country? A Yes, sir. They have had famrs here in the country all the time.
Q And you enrolled them but you don't know how they got off the roll? A I enrolled them, I am pretty positive in 1880.
Q You went before the enrolling officers? A Yes, sir; but their names is not on the roll of 1880.
Q You were appointed guardian by Judge Faulkner? A Yes, sir.
Q And acted as guardian? A Yes, sir; until they became of age, of course. I don't suppose there is any record.~~of~~ ~~Chmmkmmx~~ ~~kmmx~~ The Cherokees are very lax in their matter of keeping records.
Q They didn't keep much records in thos days? A No, sir.

Commission: Attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed x completed and will be reported to the Commission for final decision based upon the evidence now of record. The at torney for the applicant requests qnd will be granted 15 days in which to file a brief of the case, one copy with the Commis-

sion and one copy with the representative of the Cherokee Nation.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D-996.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Beamford A. Wheeler for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 17, 1900, Beamford A. Wheeler appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 24, 1902.

The evidence shows that the applicant is identified on the 1894 strip payment roll of the Cherokee Nation and on the 1896 Census Roll of said Nation; that neither this applicant nor her mother, who was a non-citizen, were identified on the 1880 authenticated roll of the Cherokee Nation; that her father was a Cherokee by blood, but is not identified on the said 1880 roll, having died in July 1880 prior to its completion.

It further appears that the applicant was born in the State of Arkansas about the year 1877, and has continued to reside in said State up to and including the date of the application herein.

In the ninth paragraph of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495), it is provided that "no person shall be enrolled who has not heretofore removed to, and in good faith settled in, the Nation in which he claims citizenship--"

It is therefore the opinion of this Commission that the application for the enrollment of Beamford A. Wheeler as a citizen by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 16 ' 1906

A. F. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Beauford A. Wheeler et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Beauford A. Wheeler,	Cherokee R 659
Kate Wheeler,	Cherokee R 712
Mont S. Wheeler,	Cherokee D 3076.

-: D E C I S I O N :-

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as citizens by blood of the Cherokee Nation, were made to this Commission by Beauford A. Wheeler for herself; and by Kate Wheeler for herself; and as a citizen of the Cherokee Nation, by Emmet Starr for Mont S. Wheeler. The record further shows that on July 16, and 29, 1902, this Commission rendered its decisions herein, denying the applicants, Beauford A. and Kate Wheeler, the right to enrollment as citizens by blood of the Cherokee Nation, and that said decisions were duly affirmed by the Department. Thereafter, on April 2, 1904 (Departmental letter I. T. D. 7162-1903), said decisions were rescinded and said cases remanded for readjudication. Further proceedings in the matter of the applications of the said Beauford A. and Kate Wheeler were had on September 22, 1904, at Muskogee, Indian Territory.

The evidence in this case shows that the applicants herein are the children of one John C. Wheeler, deceased, who was a Cherokee by blood, and one Lula Wheeler, a non-citizen of the Cherokee Nation; that the said John C. Wheeler, deceased, had at one time forfeited his citizenship in the Cherokee Nation, and at some time prior to 1880, it is alleged, was readmitted to citizenship in said Nation, but continued to reside in the state of Arkansas until his death, in July, 1880; that the applicants herein were born at Fort Smith, Arkansas, in the years 1873, 1875 and 1877, respectively, and that from their birth up to and including the year 1903, they continuously resided in said state of Arkansas.

Paragraph nine, section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), in part, provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship: . . . . . ."

Neither the said John C. Wheeler, deceased, nor the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Beauford A. Wheeler, Kate Wheeler and Mont S. Wheeler, as citizens of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 30 1905

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-996.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Beauford A. Wheeler for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Inc. H-52.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRUCKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 996.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esquire,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date July 16, 1902, denying the application of Beauford A. Wheeler for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 1st day of August, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. breckinridge,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-712.

Muskogee, Indian Territory, September 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On April 4, 1904, the action of the Secretary of the Interior of August 29, 1902, approving the Commission's decision denying the application of Kate Wheeler for enrollment as a citizen by blood of the Cherokee Nation, was rescinded, and said case was remanded for the taking of further testimony and readjudication.

The applicant has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 22, 1904, and introduce such testimony as she may desire in support of her claim. Evidence is particularly desired as to applicant's residence.

Respectfully,

~~Chairman.~~

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
—
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dbd

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-659,
et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications for the enrollment of Beauford A. Wheeler, et al., as citizens by blood of the Cherokee Nation, Commissioner C. R. Breckinridge not assenting thereto.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-94

IN THE MATTER OF THE APPLICATION OF

Crawford A. Wheeler

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 997

Cher D 997

2997

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 10 1901

ACTING CHAIRMAN

DOUBTFUL, as to Wife and Children:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

In the matter of the application of Richard Walls for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Walls being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Dick Walls.
Q How old are you? A 40.
Q What is your post office? A Peggs.
Q In what district do you live? A Tahlequah.
Q Who is it you want to enroll, yourself and family? A Myself and family.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Three.
Q Are you Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A All my life.
Q Give me the name of your father? A Ned Walls:
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Emily.
Q Is she dead? A Dead, yes, sir.
Q Give me the name of your wife? A Nellie Walls.
Q How old is she? A 28.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q When did you marry her? A Ten years ago.
Q Have you got a certificate of your marriage? A No, sir.
Q Give me the name of her father? A Sunday Christie.
Q Is her father dead? A No, sir.
Q Give me the name of her mother? A Peggy.
Q Is she dead? A No, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A Not as I know of.
Q Give me the names of your children? A The oldest one is Nancy.
Q How old is that child? A She is nine years old.
Q The next child? A Samuel.
Q How old is Samuel? A Seven.
Q The next child? A It is a little bitty one.
Q Big enough to have anname yet? A Yes, sir, Lizzie, about month old.
Q Have you got your certificate made out yet? A Yes, sir.
Q Are these children all living now? A All living yes.
Q Living with you? A Yes.
Q Always recognized as a citizen were you? A Yes, sir.
Q You were never admitted to citizenship by the Cherokee Commission or Council were you? A No, sir.
Q You just claim that you were born a Cherokee and livedhere all the time? A Yes, sir, my mother was a half and my father quarter.
Q Who were you living with in 1880? A I was living with my sister, Lizzie Still.
Q Is she a full sister of yours? A Yes, sir.
1880 Roll; page 803, #2008, Lizzie Still, Tahlequah.

Q Is she dead now? A Yes, sir.
1896 Roll; page 1271, #3812, Dick Walls, Tahlequah.
1896 Roll; age 1271, #3813, Nellie Walls, Tahlequah.
1896 Roll; page 1271, #3815, Nancy Walls, Tahlequah.
1896 Roll; page 1271, #3816, Sam Walls, Tahlequah.
Q What was your wife's mother's name 20 years ago, was she a Christie then? A Yes, sir.
Q Were your father and mother dead 20 years ago? A I do not know.
Q You do not know how long since your mother died? A No, sir, I

don't remember exactly how long she has been dead, something like 20 years.
Q How old is Peggy Christie now? A She is an old woman. She is something like 50 or 60.
Q Did you ever hear of a Julia Christie? A No, sir.
Q Have you got anybody here who can tell anything about you and your wife 20 years ago?

GEORGE ROACH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name there? A George Roach.
Q How old are you? A 51.
Q What is your post office? A Tahlequah.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Are you one of the witnesses here of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Mr. Walls? A Yes, sir, Dick Walls.
Q You are his Uncle are not you? A Yes, sir.
Q Now, we cannot identify him on the roll of 1880, can you give any explanation of it? A No, sir. I think he would have been enrolled in Going Snake; his mother died in Going Snake when she died.
Q What was his mother,s name? A Emily Walls.
Q Was she your sister? A Yes, sir, my sister.
Q And you know that he is your sister's chi ld? A Yes, sir, my oldest sister.
Q She has been dead more than 20 years has not she? A Yes, sir, she has been dead about 20 or 25 years.
Q She was a Cherokee woman was she? A Yes, sir; there if one of his daughters married John Still.
Q What is that dau ghter's name? A Lizzie.
Q Is he a full brother of Lizzie Still? A Yes, sir.
Q Now, has this man lived in the Cherokee Nation all his life?
A Yes, sir, all his life to my knowledge.
Q That is to say you know he has lived here all his life? A Yes, sir.
Q Was he born here? A Yes, sir..
Q Now, he is a married man is he? A I could not tell you anything about that, I have not seen him for 10 or 12 years.
Q Have you always heard that he continued to live in the Cherokee Nati on? A Yes, sir, sometimes I would see him come here to Town.
Q You never heard of his having a wife and children? A He told m e that he had a wife.
Q You did not know anything about her? A I knowed her father Sunday Christie; that Sunday Christie is a full blood.
Q Did you know Sunday Christie? A Yes, si r.
Q And you say he is a full blood? A Yes, sir.
Q He is alive now is he not? A Yes, sir.
Q Has he lived in the Cherokee Nation all his life? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and three children: He is identified on the roll of 1896 as a native Cherokee. He states that he has lived in the Cherokee Nati on all his life. He is not identified on the roll of 1880, but his full sister is identified on that roll. His mother was dead before that roll was made, and it is shown by satisfactory personal testimony that the applicant is the full brother of that sister, that he has lived in the Cherokee Nation all his life, that he has always been a recognized citizen and that his mother was a native Cherokee woman, and it is believed that his omission from the roll of 1880 was through no fault of his own. He will now be listed

for enrollment as a Cherokee by blood.

He states that his wife is a native of the Cherokee Nation and she has lived here all her life and that she is a Cherokee by blood. She is identified on the roll of 1896 as a native Cherokee, but she is not identified on the roll of 1880. She is seen on the roll of 1896 to be the wife of the applicant and is there identified with her children. He states that neither was previously married. No doubt is entertained at this time of her being the applicant's wife and the date of their marriage, which is said to have taken place some ten years ago, is corroborated by the ages of their children on the roll of 1896, but for her further identification as a Cherokee by blood, she will now be listed on a DOUBTFUL CARD in that class, and for convenience her two children, Nancy and Samuel, who are identified with her on the roll of 1896 and are living, will also be listed upon the same card as Cherokees by blood, and when a proper certificate of the birth of their child, Lizzie, is filed with the Commission, this child also will be listed as a Cherokee by blood upon the card with its mother.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of December, 1900.

Commissioner.

N497

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 16 1901

ACTING CHAIRMAN

SUPPLEMENTAL: D 997.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 17, 1900.

In the matter of the application of Nellie Walls et al as Cherokee citizens;
NELLIE ROACH, being first duly sworn, and being examined, by Com'r Breckinridge, states:

Q Give me your full name? A Nellie Roach.
Q How old are you? A 40 or 45
Q What is your post-office? A Peggs.
Q How long have you lived in the Cherokee Nation? A All the time.
Q All your life? A Yes sir.
Q Do you know a woman named Nellie Walls? A Yes sir.
Q Is she the wife of this man here, Richard Walls? A Yes sir.
Q How long have you known Nellie Walls? A 5 years.
Q Was she born his wife during all that time? A Yes sir.
Q You don't know where she was born? A Right there I guess.
Q What makes you think so? A Her n ther is living there.
Q You don't know anything back of xx five years? A No; I was living over here and I moved over there and she was living there.
Q But you haven't known her out five years? A That's all.

JOHN ROACH, being sworn and examined by Com'r Breckinridge, testified as follows:

Q What is your full name? A John Roach.
Q How old are you? A About 50
Q What is your post-office? A Peggs Prairie.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q Lived here all your life? A Yes sir.
Q Do you know this man Richard Walls? A Yes sir. I have known him ever since he was a little boy.
Q Do you know his wife, Nellie? A Yes sir. They live right close to me; I have known her for about 5 years.
Q You know anything about her being a Cherokee by blood? A Yes sir, I guess she is a Cherokee; she don't talk any language only Cherokee; she don't talk no English at all.
Q Do you know her mother? A Yes sir, I have seen her.
Q Is her mother living? A Yes sir.
Q Is she a full-blood? A Yes sir, I guess she is, don't talk no language only Cherokee.
Q How does he get along with her, does he talk Cherokee too? A Yes sir, that's about all he knows.
Q You don't know anything about what his wife's name was in 1880, 20 years ago? A No sir. I moved up there about 5 years ago.
Q You found them living there as husband and wife? A Yes sir.
Q Been living there ever since? A Yes sir.
Q How many children have they got in their family? A They have got three now.

Com'r Breckinridge: This will be as supplemental testimony in the case D 997, being case of Nellie Walls, et als.

--- --- --- --- ---

H.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this Dec. 19, 1900.

H.D. Green
Com'r.

D997

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

ACTING CHAIRMAN

R.

C. D-297.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Nellie Walls for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-997.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of NELLIE WALLS and her minor children, NANCY WALLS, SAMUEL WALLS and LIZZIE WALLS, for enrollment as citizens by blood of the Cherokee Nation:

- - - - -

D E C I S I O N .

The record in this case shows that on December 17, 1900, Dick Walls appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his wife, Nellie Walls, and their minor children, Nancy Walls, Samuel Walls and Lizzie Walls, as citizens by blood of the Cherokee Nation. The application also included Dick Walls, but he is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902, and at Pauls, Indian Territory, on June 16, 1902.

The evidence shows that Nellie Walls is a native Cherokee, and is identified as such on the 1880 authenticated Cherokee roll by the name of Nelly Sunday. From an examination of the 1894 Strip payment roll of the Cherokee Nation, in possession of the Commission, it appears that the names of "Dick Walls, Della Walls" and "Nancy Walls" are found thereon in Tahlequah District. The evidence further shows that all the applicants herein, except Lizzie Walls, who was born in 1900, are identified as native Cherokees on the 1896 Cherokee census roll.

The evidence further shows that Nellie Walls, nee Christie, married her present husband, Dick Walls, a native Cherokee, about the year 1890. The three children herein were born of that marriage, and due proof of the birth of the youngest child, Lizzie Walls, has been made to this Commission.

The evidence further shows that Nellie Walls and her said husband have resided in the Cherokee Nation all their lives up to and including the date of the application herein. The children herein applied for being minors, their residence is considered to be the same as their father's.

It further appears that the said Nellie Walls died on the 24th day of February, 1902.

It is, therefore, the opinion of this Commission that Nancy Walls, Samuel Walls and Lizzie Walls should be enrolled as citizens by blood of the Cherokee Nation, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered by this Commission that the application for the enrollment of Nellie Walls as a citizen of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this NOV 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cher. D-997.

Muskogee, Indian Territory, November 22, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Dick-Walls for the enrollment of his three minor children, Nancy, Samuel and Lizzie Walls, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his wife, Nellie Walls, as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-83.

IN THE MATTER OF THE APPLICATION OF

Nellie Walls et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 17/00
Memo of application Dec 17/00
Supplemental testimony Dec 17/00
Birth certificate Dec 17/00
Notice of final consideration, 3/14/02

Approved for enrollment
Chor 1102

Cherokee Jacket # 6818.

Cher D 998

Cher D 998

FILED
JAN 10 1901
ACTING COMMANDER

8660

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 17, 1900.

In the matter of the application of Kate Wheeler for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Kate Wheeler.
Q What is your age? A 25.
Q What is your postoffice address? A Fort Smith, Ark.
Q Where do you live? A Fort Smith.
Q Are you a recognized citizen of the Cherokee Nation? A I claim citizenship by blood.
Q Your name on the roll of 1880? A No sir.

1896 roll; page1110, #1595, Kate Wheeler, Sequoyah district.
1894 roll; page 1008, #1501, Kate Wheeler, Sequoyah district.
Q Where were you born? A Fort Smith, Ark.
Q You always lived in the State of Arkansas? A Yes sir.
Q You never lived in the Cherokee Nation? A No sir.

By Ridge Pascale, attorney for applicant-
Q You know when your father died in the states? A In 1880.
Q After he died you know whether W. W. Wheeler took out letters of guardianship for you and your sister in the Cherokee Nation? A I understand it from hear say.
Q You have a place in the Cherokee Nation? A I have.
Q At Checotah? A Yes sir.
Q You understood your name was returned to the Census enumerators in 1880? A Yes s r.
Q Your motherwas a white woman? A Yes sir.
Q You claim your citizenship through your father? A Yes sir.
Q You know whether your father served with the Cherokee regiment during the war,or not, as captain? A Yes sir.

Commissioner-
Q Your father died before the roll was made of 1880? A Yes sir.

Commissioner Needles-
The name of Kate Wheeler is found upon the Census roll of 1896 and pay roll of 1894. For the reason that her name is not found upon the authenticated roll of 1880, nor the name of her father or mother; also by reason of her non-residence, final judgment as to the enrollment of said Kate Wheeler will be suspended, and her name will be placed upon a doubtful card.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

C D998

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

I, C. O. Connor, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I secured a record of the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of the same as taken by me and reduced to typewriting under my direction.

C. O. Connor

Supl.-C.D.#998.
" 996.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of KATE WHEELER, C.D.#998, and BEAUFORD A. WHEELER, C.C.#996, as citizens of the Cherokee Nation:

Appearances:
Ridge Paschel, Tahlequah, I.T., Attorney for applicants
W. W. Hastings, Cherokee Representative.

WILL W. WHEELER, being duly sworn, testified as follows on part of the applicants:

By the Commission:

Q What is your name? A Will W. Wheeler.
Q How old are you? A 54 years old.
Q Where do you live? A Sallisaw.
Q Do you desire to make a statement relative to the applications of Kate and Beauford Wheeler? A Yes, sir.

MR. PASCHEL:

Q Just go on and tell xxx k all you know about it? A They are children of John C. Wheeler, an older brother of mine. Their mother was a Lula G. Sandels; she was not a citizen of the Cherokee Nation. My brother was an Indian, Cherokee.
Q Your brother was a Cherokee citizen? A Yes, Cherokee; what is it you want to know?
Q I want you to tell your relation, about when your brother died; did you serve with him in Wittie's Regiment, Cherokee Indian Brigade? A Yes, sir.
Q Brother was an officer in there was he? A Yes; I don't know the ages of these children, but at the time of the enrollment in 1880 my impression was that I enrolled these children, and I have always been of the impression that they were enrolled with my children up to the time of the visit of the Dawes Commission at Sallisaw, I found that their names was not on the roll. I was positive that I enrolled them.
Q Well, tell the Commission what took place between you and the full-blood Indians? A Well, in enrolling my children there I enrolled them xx k all and some old full-blood sitting by there,- after going over all of our childrens' names, I then enrolled the three children of my brother, and old full-blood sitting there he just spoke and said "squea," which meant that I had a heap of children and I told him that they were not all mine that three belonged yo my brother, and then at the next enrollment in which they had the distribution of bread money I went to Frank Faulkner and asked him to appoint me as their guardian which he did, and so far as the appointment was concerned it was just a little scrap of paper and I don't know whether there was any record made of it, and I drew their money.

COMMISSION:

Q Where were these children born? A Born in Fort Smith.
Q Have they ever resided here in the Cherokee Nation? A Not as a matter of home; they have been here with the members of their family, but they have not been here as their home.
Q They are residing here at the present time? A Yes, sir; their mother refused to move to the Nation and they were under age.
Q Do they own any property here in the Cherokee Nation?

A Yes, sir; they own a farm down here close to Checotah.
Q How long have they owned that farm? A I could not tell ypu; the first I knew of them owning that property was through Judge Joe Lynch, he told me one time "I have got in possession a place belonging to your brother's children;" he says " I have had it for sometime," and he says "in case anything ahppened to me, I could like to own it," and he told me where it was and then "I would like for you to have the place in case of my death but I will look after it" up until any time I wanted it. I told him he lived near the place, and after his death I got Isaac Burtoff just a few years ago, I told him, a young man, he ha d better take the place himself.
Q Howlonghave they derived the rent from that place? A I suppose ten or 12 years, I don't know how long it has been; it has been a good many years.
Q These people were not living in the Cherokee Nation when the roll of ,1880 was made? A No, sir, they were not neither were they at the tome of these other rolls, there was recognized by the cherokee atuhorities and put on the rolls for the distribution of this money.
Q When did their father, John C. Wheeler, die? A He died in 1880.
Q Prior to his death hed he always been recognized as a citizen?
A Yes, sir
Q He is a full brother of yours? A Yes, sir, same father and mother.
Q Where did your brother die? A He died out there from Fort Smit about ten or 12 miles.
Q In the Cherokee Nation? A No, sir; in Arkansas.
Q How long had he been there when he died? A He had only been there a short time, he died suddenly.
Q Had he resided in the Cherokee Nation prior to that?
A No, sir, he had never resided in the Cherokee Nation sinod the war
Q Where had he been making his home? A In Fort Smith.

MR. PASCHOL:

Q Will you please state Mrs. Wheeler's condition, since she become of a e, these girls become of age? A She has been an invalid. I asked one of the girls to come and make her home with me a number of years ago and she would not do it because her mother was an invalid; I was in Fort Smith the other day and asked them to come up before the Commisd on and they would not leave on account of the considtion of their mother.
Q They have recetd money from the Cherokees? A Yes, sir
Q And they have had farms uin the Country? A Yes, sir. They have had farms here in the country all the time.
Q And you enrolled them but you don't know how they got off the roll? A I enrolled them, I am pretty positive in 1880.
Q You went before the enrolling officers? A Yes, sir; but their names is not on the roll of 1880.
Q You were appointed guardian by Judge Faulkner? A Yes, sir.
Q And acted as guardian? A Yes, sir; until they became of age, of course. I don't suppose there is any record. The Cherokees are very lax in their matter of keeping records.
Q They didn't keep much records in those days? A No, sir

Commission: Atterney for the applicant and representative of the Cherokee Nati n present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record. The atterney for the applicant requests an will be granted 15 days in which to file a brief of the case, one copy with the Commission and one copy with yhe representative of the Cherokee Nation.

---oooOOOooo---

I, J. G. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J G Rossen

Cherokee D-998.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Kate Wheeler for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 17th 1900 Kate Wheeler appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 24th 1902.

The evidence shows that the applicant is identified on the 1894 strip payment roll of the Cherokee Nation and on the 1896 Census Roll of said Nation as a native Cherokee; that neither this applicant nor her mother, who was a non-citizen, were identified on the 1880 authenticated roll of the Cherokee Nation. That her father was a Cherokee by blood but is not identified on the said 1880 roll, having died in the year 1880 prior to the completion of said roll; that he died in Arkansas where he then resided, and that he had never lived in the Cherokee Nation since the civil war. It further appears that the applicant was born in the State of Arkansas about the year 1875, and resided there continuously from the date of her birth to March 1902.

In the ninth paragraph of Section 21 of the Act of Congress approved June 28th 1898 it is provided that "No person shall be enrolled who has not heretofore removed to and in good faith settled in, the nation in which he claims citizenship ----".

It is therefore the opinion of this Commission that the application for the enrollment of Kate Wheeler as a citizen by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON T. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 998.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Kate Wheeler for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 144.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 998.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Kate Wheeler for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

COMMISSIONERS
TAMS BIXBY
THOMAS B NEEDLES.
C R. BRECKINRIDGE.
W E STANLEY

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-712
(D-998)

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On April 4, 1904, the action of the Secretary of the Interior of August 29, 1902, approving the Commission's decision denying the application of Kate Wheeler for enrollment as a citizen of the Cherokee Nation, Cherokee R-712 (D-998), was rescinded and said case was remanded for further testimony and readjudication.

The applicant and her attorney have this day been notified that any further testimony they may have to present can be introduced at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 16, 1904, at which time you can, if you desire, be present and introduce testimony on behalf of the Cherokee Nation. Evidence is particularly required as to residence.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

...ER OF THE APPLICATION OF

Nahi Wheeler

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

a. Original letter filed 1/7/00
b. Memo of application filed 8/7/00
c. Notice of final consideration, 3/14/02

Transferred to R-712

See Cherokee Contract No. R-196

Cher D 999

Cher D 999

D 999

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 10 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

In the matter of the application of William Lee Brackett for t he enrollment of himself, wife and child as citizens of the Cher- o kee Nation; said Brackett being sworn and examined by Commission- er Breckinridge, testified as follows:

Q Give me your full name? A William Lee Brackett.
Q How old are you? A I am 26 years.
Q What is your post office? A Ketchum.
Q In what district do you live? A Delaware.
Q Who is it you want to enroll, yourself and family? A Yes.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Have you lived in the Cherokee Nati on all your life? A No, sir.
Q How long have you lived in the Cherokee Nation? A I could not say just exactly how long, since '90 I guess.
Q Were you admitted to citizenshiip by the Cherokee Commission?
A Yes, sir.

Com'r:--T e applicant presents a duly authenticated certifi- c ate of admission to citizenship showing that on the 16th of August, 1889, certain persons were admitted to citizenship by the Cherokee Commission on Citizenshi p, and among them appears the name of Wil- liam Brackett, age at that time 14 years.

Q Is that your name? A Yes, sir.

This is identified as official evidence of the applicant's ad- m ission as stated and the certificate is returned to him. It is endorsed and enrolled in the Executive Department, May 14, 1890; signed, C. J. Harris, Asst. Executive Secretary. The certifi cate alluded to entitled the beneficiary to admission under the condi- tion of residence within one year from the date of the certi ficate.

Q Now, it appears from the endorsement of your certificate that you came here in May, 1890? A Yes, sir.
Q That endorsements was made at the time you came was not it?
A Yes, sir, we came here in April and this endorsement was made in May.
Q Give me the name of your wife? A Lucinda Mayfield.
Q How old is your wife? A 21 years old.
Q When did you marry her? A I have been married only a short time.
Q Have you a certificate of marriage? A No, sir, I have not. I sent the certificate off and never have got it returned yet.
Q When were you married how long ago? A The fifth of this month.
Q Where were you married? A Vinita, Indian Territory.
Q Was Mayfield your wife's maiden name? A Yes, sir.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Give me the name of her father? A John Mayfield.
Q Is he dead? A No, sir.
Q Give me the name of her mother? A Her given name, Eliza.
Q Is she dead? A Yes, sir.
Q Give me the name of your child? A Bayless Brackett.
Q How old is that child? A It was born the 17th of May.
Q Is that the child of this wife? A Yes, sir.
Q It is her own child is it? A Yes, sir.
Q Has she any brothers and sisters younger than she? A She has one brother.
Q What is the name of that brother? A Joe.
Q How long did your wife's mother live after the birth of your wife?
A I do not know.

William Lee Brackett--2:

1896 Roll; page 685, #1270, Lucinda Mayfield, Flint.
1896 Roll; page 1134, #87, William L. Bracket, Tahlequah.
Q Mr. Bracket is there anybody acquainted with your wife more in 1880, anybody here who knew her or her mother? A Yes, sir, there is a fellow up here in Town in a store.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one child: He is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship in 1889, to have conformed with the conditions of his admission and to have lived in the Cherokee Nation since 1890. He is identified on the roll of 1896 as a native Cherokee, and he will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card in order to consider the objection which the Cherokee Representatives present have made against the admission of all the members of this family. When the final decision of the Commission is rendered it will be indicated to the applicant at his post office address.

His wife, in accordance with his own testimony, is identified on the roll of 1896 as a native Cherokee. He states that she has lived in the Cherokee Nation all her life, and that they were married on the 5th of December of the present year. He is not able to present at this time a certificate of his marriage or other evidence, and she cannot be identified on the roll of 1880, nor can her mother be identified on that roll. She will now be listed for enrollment as a Cherokee by blood on a doubtful card to await further identification on the roll of 1880 and the certificate of their marriage, which the applicant states he can supply. The child is said to be the natural child of the applicant's wife. When a proper certificate of the birth of this child is filed with the Commission, it will also be listed for enrollment as a Cherokee by blood on a doubtful card to await the further identification of its mother.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

8999

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 17 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

ADDITIONAL TESTIMONY IN THE MATTER OF THE APPLICATION OF William L. Bracket for the enrollment of himself and family., and the said William L. Bracket, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A William L. Bracket.
Q What is the name of your wife? A Lucinda Bracket.
Q You made application for her, did you not? A Yes sir.
Q How old are you? A Twenty six.
Q What is your Postoffice? A Ketchum.
Q In what district do you live? A Delaware.
Q You say there was some trouble about identifying your wife?
A Yes sir.
Q What was her name when you married her? A Mayfield.
Q You say she is on the roll of 1880 as what?
A As Christy I guess.
Q Why would she be on the roll of 1880 as Christy?
A Her mother was living with Christy I suppose at that time.
Q Was her father dead in 1880? A No sir.
Q But her mother and father had separated, had they? A Yes sir.
Q What is the name of this man, Christy that your wife's mother was living with? A William O. Christy.
Q What is the given name of your wife's mother? A Eliza.

(1880 Roll, Page 356, #297, Lucinda Christie, Flint D'st)

Q How old is your wife now? A She says she's twenty one.
Q This Lucinda we have just called, being twenty four years of age, can not be your wife? A No sir.
Q Who is Lucy Christy with William and Susie: You said your wife was with William and Eliza? A Yes sir, if she is there as a Christy, she is there with William and Eliza.
Q William is down here with a woman named Susie? A Yes sir.

By Mr. J. L. Baugh, Cherokee Represenative:
Q Is your wife's mother living? A No sir, she's dead.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Francis.

Subscribed and sworn to before me this 11th day of January, 1901.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 25 1901

ACTING CHAIRMAN

Cherokee B-999.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 23, 1901.

In the matter of the application of Lucinda Brackett for enrollment as a Cherokee by blood.

Supplemental testimony on behalf of the applicant.

Appearances:
Applicant present by husband, William L. Brackett;
Cherokee Nation present.

WILSON CAMPBELL, appearing before the Commission, and being duly sworn and examined, testified as follows:

Q What is your name? A Wilson Campbell.
Q How old are you? A 47 years old.
Q What is your postoffice? A Wauhillau.
Q Do you know William L. Brackett? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q What was her name? A Lucinda.
Q How long have you known her? A Been knowing her ever since she was born.
Q Do you know her father? A Yes, sir.
Q What was his name? A John Mayfield.
Q What was her mother's name? A Eliza Ratcliff.
Q Is her father living? A Yes, sir.
Q Is he a citizen? A Yes,
Q Is he a Cherokee or a white man? A I guess part white man.
Q Was her mother an indian? A Yes, sir.
Q She a Cherokee Indian? A Yes, sir, she is my sister.
Q Is she on the 1880 roll? A No, she died along about twenty years ago, Eliza.
Q She is not on the 1880 roll then? A No, sir.
Q Who was Lucinda living with twenty years ago when she was a little bit of a baby? A Nancy Campbell.
Q Was Nancy Campbell a Cherokee? A Yes, sir.
Q That is your mother? A Yes, sir.
Q Is your mother living? A No.
Q What was your mother's name in 1880? A Nancy Campbell.
Q Was her name Campbell at that time? A Yes, sir.
Q Did she have any children besides you? A Yes, she had two or three.
Q What were their names? A Betsy.
Q Did she ever have a child named Eliza Jane? A Yes, sir.
Q Is she living? A That is the mother of Lucinda.
Q How old do you think Lucinda is? A About 16.
Q You are sure she isn't older than that? A I don't know, might be
Q You don't know when she was born, in what year? A Yes, I think she was born in '73.
Q That would make her 28 years old now? A Well that may be, I don't know.
Q You mean '73 or '83? A In '73.
Q That was long before the 1880 roll was made? A 1873?
Q Yes; now was Lucinda's mother married when the 1880 roll was made? A Yes, sir.
Q Who was she married to at that time? A John Mayfield.
Q Was John Mayfield living then? A I don't know.
Q Was she living with him when the 1880 roll was made? A Yes, sir.

Witness, questioned through Interpreter S.R.Walkingstick, testified as follows:

Q Was Eliza Mayfield living with her husband, John Mayfield, when the roll of 1880 was made? A I remember that year all right, the census takers then were Jose Sanders and Daniel Hicks, and the mother of this child was dead then.
Q How old is this child, Lucinda, what year was she born in?

A She was born in the year 1873.

Q How old would she be then? A She is about 22 years old, I have a memorandum of this child's birth at home, and if I had time I would go back home and bring it here.

Q If this child was born in '73 how does it happen her name isn't on the roll of 1880? A It is there under Nancy Campbell's name.

Q How old was Lucinda when her mother died? A She was about three years old and probably four; I suppose I am mistaken about her birth.

Q How old was your sister, Eliza Mayfield, the mother of the applicant, how old would she be if she was living today? A Well she was six years younger than I am.

Q She would be about 41 years old then? A Yes, sir.

Q Did your mother ever have a child named Jane? A I don't know.

Q Did she ever have one named Eliza Jane? A Yes, sir, that is the mother of this applicant we are talking about.

Q You said the mother died before 1880? A Well I must be mistaken about that, she must have been living.

Q How long did your sister and John Mayfield live together? A They lived together about a year or a little over.

Q Was that before the 1880 roll was made or after the 1880 roll was made? A I am not able to state as to the exact time.

Q Now did your sister Eliza ever go by the name of Mayfield, she ever adopt John Mayfield's name? A Yes, they called her Mayfield for a short time.

Q Now after they separated did she use her maiden name again? A I suppose so, I don't know about that.

Q And after they separated, did Eliza go and live with her mother? A Yes, sir, she went back to her mother's.

Q About how old was Eliza when this child was born? A She was very young, she must have been not muvh over 15 years old.

The 1880 authenticated roll of Cherokee citizens examined, and the name of Eliza Jane Campbell identified thereon, page 743, No. 372, Tahlequah district, native Cherokee.

Commission: It appears from the testimony just taken that the mother of Lucinda Brackett is identified on the authenticated roll of 1880 as Eliza Jane Campbell. This testimony will be filed and made a part of the record in Cherokee case No. D-968.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of November, 1901

M D Green
Notary Public.

R.

C. D-999.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1903.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of William L. Brackett for the enrollment of himself, wife and child as citizens of the Cherokee Nation.

The applicant wasnotified by registered letter February 26, 1902, that his application for the enrollment of himself, wife and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported back to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-999.

$05

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William L. Brackett for the enrollment of himself, his wife, Lucinda Brackett, and his minor Child, Bayless Brackett, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 17, 1900, William L. Brackett appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself, his wife, Lucinda Brackett, and his minor child, Bayless Brackett, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at the same place on November 23, 1901.

It appears from the records of the Cherokee Nation in possession of this Commission, that William L. Brackett, among others, was re-admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on August 16, 1889, upon condition that he should return to and permanently locate in said Nation within one year from the date of re-admission. The evidence shows that he did return to and permanently locate in the Cherokee Nation in April, 1890, thereby complying with the condition.

It appears that Lucinda Brackett (nee Mayfield), who is also known by the name of Campbell, derives her Cherokee blood through her mother, Eliza Jane Mayfield. The latter is also known as Eliza Jane Campbell, by which name she is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation. Lucinda Mayfield is not identified on the said 1880 roll; but from an examination of the records of the Cherokee Nation in possession of the Commission, it appears that the name of Lucinda Campbell is found on the 1894 strip payment roll of said Nation immediately following the name of Nancy Campbell; and the evidence shows that the applicant, Lucinda Mayfield (or Campbell), lived for some time with one Nancy Campbell. It further appears that Bayless Brackett is the son of said William L. Brackett and Lucinda Brackett (nee Mayfield) who were lawfully married on December 5, 1900.

The evidence further shows that all the said applicants are identified as Cherokees by blood on the 1896 Census roll of said Nation, except Bayless Brackett, who is too young to appear on any of the tribal rolls, but who is identified by a birth affidavit on file with the Commission.

It further appears that Lucinda Brackett has resided in the Cherokee Nation all her life, and that William L. Brackett has resided therein continuously from April, 1890, up to and including the date of the application herein. Bayless Brackett, being a minor, is presumed to have resided with his father since his birth.

Contract 2-999.

It is therefore the opinion of this Commission that William R. Brackett, Lucinda Brackett and Reglous Brackett, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the act of Congress, approved June 28, 1898, (30 States 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

This DEC - 1 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 999.

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of William L. Brackett for the enrollment of himself, his wife, Lucinda Brackett, and his minor child, Bayless Brackett, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 3.

Decision D 999

IN THE MATTER OF THE APPLICATION OF

William L Brackenridge

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 17/00

B Memo of application Dec 17/00

C Supplemental Dec 17/00

D Supplementary testimony Nov 23/01

E Notice of final consideration 3/14/02

Cher D 1000

Cher D 1000

D1000

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 10 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

In the matter of the application of Armindie Wilson for enrollment as a citizen of the Cherokee Nation; said Wilson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Armindie Wilson.
Q How old are you? A 21.
Q What is your post office? A Wauhillau.
Q In what district do you live? A Tahlequah.
Q Who is it you want to have enrolled, yourself? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir
Q How long have you lived in the Cherokee Nation? A Nine years.
Q Came here in 1890? A Yes, sir.
Q You have lived here nearly ten years have you? A Yes, sir.
Q What ti me in 1890 did you come here? A March.
Q You have lived here ten years last March? A Yes, sir, that's right.
Q Were you admitted to citizenship by the Cherokee Commission? A Yes, sir.
Q Give me the name of your father? A I could not tell you that.
Q Give me the name of your mother? A Sarah Brackett.
Q Is your mother alive? A Yes, sir.
Q Your father is dead is not he? A Yes, sir.
Q And you have married? A Yes, sir.
Q Have you got a certificate of your marriage? A Nothing more than the Minister.
Q What is the name of your husband? A John H. Wilson.

Com'r:--The applicant presents a certificate showing that on the 19th of October, 1899, she was married to John H. Wilson; the ceremony being performed by the Rev. J. A. Orr. This is filed herewith.

Q Is your husband a white man? A Yes, sir.

Com'r:--The applicant presents a certificate showing that on the 16th of August, 1889, certain persons were admitted to citizenship by the Cherokee Commission on Citizenship, and among them appears the name of Aminda Bracket at that time ten years of age.

Q That is your name is it? A Yes, sir.

The certificate requires that the beneficiary shall be a bona fide citizen of the Cherokee Nati on within one year of the date of the passage of the certificate and that the document shall not be delivered to the beneficiary until they locate within the limits of the Cherokee Nation. This is filed herewith.

Q You have lived here then ever since March, 1890? A Yes, sir.

1896 Roll; page 1134, #84, Arminda Bracket, Tahlequah.

Com'r Breckinridge:--The applicant is identified on the roll of 1896 as a native Cherokee. She is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship in October, 1889. She states that she came to the Cherokee Nation in March of the following year, which is within the limits required by her certificate of admission which certificate is filed herewith; and that she has lived in the Cherokee Nation ever since. Her change of name by marriage is established by the certificate of marriage filed herewith, and she will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card because of a protest made by the Representatives of the Cherokee Nation respecting the proceedings of admission of all the members of this family.

---oooOOOooo---

Arminnie Wilson--2.

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner

D1000

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 1 1902

ACTING CHAIRMAN

R.

C. D-1000.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Armindie Wilson for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed and same will be reported to the Commission for final decision basedupon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1000.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Arminda Wilson for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 17, 1900, Arminda Wilson appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

It appears from the records of the Cherokee Nation in possession of this Commission that the applicant and her mother, Sarah Brackett, were readmitted to citizenship in the Cherokee Nation by the duly constituted tribal authorities of said Nation on August 14, 1880, upon condition that they should return to and permanently locate in said Nation within one year from the date of such readmission, (Record "B" of the Commission on Citizenship of the Cherokee Nation, page 321). It further appears from the evidence that the applicant did return to and permanently locate in the Cherokee Nation in March 1890.

The applicant is identified as a native Cherokee on the 1896 Census Roll of said Nation, by the name of Arminda Brackett, her maiden name; and on the 1894 strip payment roll of said Nation by the name of Arminda Brackett.

It further appears that the applicant was lawfully married to John M. Wilson on October 19, 1890; and that she has resided in the Cherokee Nation continuously since her return in March 1890.

It is therefore the opinion of this Commission that Arminda Wilson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner

Dated at Muskogee, Indian Territory,

this SEP

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1000.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Armindie Wilson for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 91.

"Decision" D 1300

IN THE MATTER OF THE APPLICATION OF

Armindie Wilson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 17/00
B Memo of Application Dec 17/00
C Certificate of marriage.
D " "
E Notice of final consideration, 3/14/02

Not in 1896

Cher D 1001

Cher D 1001

No 2344

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 11 1900

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I.T., AUGUST 31st, 1900.

IN THE MATTER OF THE APPLICATION OF George Fallin, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A George Fallin.
Q What is your age? A I am about forty two, I think.
Q What is your Postoffice? A Braggs.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What degree of blood do you claim? A My father was a full blood, and my mother was a quarter.
Q What district do you live in? A Illinois.
Q For whom do you apply? A Myself, wife and two children.
Q How long have you lived in the Cherokee Nation.
A I have been raised here.
Q Never lived any where else? A No sir.
Q What is the name of your father? A Ellis Fallin.
Q Is he living? A No sir.
Q What is the name of your mother? A Elizabeth Fallin.
Q Is she living? A No sir.
Q What is the name of your wife? A Linda Israel.
Q Is she a white person? A Cherokee.
Q When did you marry her? A We have been living together six years; this las August.
Q About 1894? A Yes sir.
Q What was her name before you married her? A Israel.
Q What is the name of her father? A Phillip Israel.
Q Is he living? A No sir.
Q Was he a Cherokee by blood? A Yes sir.
Q What is the name of her mother? A Sarah Israel.
Q Is she living or dead? A Dead.
Q What are the names of your children? A Nannie.
Q How old? A Four years old.
Q What is the name of the next one? A Sarah.
Q How old is Sarah? A Born the 13th of November.
Q Is that all? A Yes sir.
Q These children are living and living with you? A Yes sir.

(1880 Roll, Page 562, #718, George Fallen, Illinois District)
(1880 Roll, Page 639, #545, Linder Israel, Saline District)
(1896 Roll, Page 469, #1120, George Falling, Delaware District)
(1896 Roll, Page 469, #1121 Lynda Fallin, Delaware District)

The name of George Fallin, and his wife, Linder Fallin, appears on the authenticated roll of 1880, as well as the census roll of 1896, respectively, according to the page and number of the said rolls, as indicated in the testimony. He avers that he has by his marriage two children, Nannie and Sarah, whose names do not appear on the census rolls of 1896: The said George Fallin and his wife, Sarah Fallin will be duly listed for enrollment by this Commission as Cherokee citizens by blood. His two children will also be duly listed for enrollment as Cherokee citizens by blood, when he furnishes this Commission with proper certificates of their birth.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic note thereof.

R R Cravens

Subscribed and sworn to before me this 11th day of September, 1900.

C R Breese
COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 10 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

In the matter of the application of George Fallin for the enrollment of JESSE FALLIN as a citizen of the Cherokee Nation; said George Fallin being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A George Fallin.
Q Give me your age? A 42.
Q What is your post office? A Braggs.
Q In what district do you live? A Illinois.
Q For whom do you wish to make application for enrollment? A Jesse Fallin.
Q Is that a child of yours? A Yes, sir.
Q How old is this chi ld? A He is nine or ten, I think he was fo ur or five years old when he registered in 1896.
Q Youapplied before the Commission at Fort Gibson Agust 31, of this year, case #2344, for the enrollment of yourself, wife and two c hildren? A Yes, si r.
Q Now, this child is not a child of your present wife? A Nol si r.
Q It is a child of a former wife is it? A Yes, his mother i s a Chickasaw.
Q nd the mother of this child you say was a Chickasaw? A Yes, sir.
Q Why did not you apply for this child when you applied for the other children? A I wrote the Dawes Commission a letter and they told me to take him to the Chickasaw Nation and enroll him down there.
Q You thought it was your duty to enroll this child as a Chickasaw? A Yes, sir, that is the ruling.
Q And you found now that there is an objection to his being enrolled as a Chickasaw? A Yes, sir.
Q Now you want to see what his rights are as a Cherokee? A Yes, sir.
Q Where was this child born? A Down here close to Braggs, in the Cherokee Nation.
Q Has he lived in the Cherokee Nati on all his life? A Yes, sir.
Q What was the name of of the mother of this child, name when you married her? A Lena Carney.
Q How long has she been dead? A Seven years the second of last April.
Q She died before you married your present wife? A Yes, sir.
Q Whenedid you marry her? A I married her ~~at Mik~~ ten miles southwest of McAlester.
Q In the Chickasaw Nation? A It is on the Choctaw side.
Q Then did you bring her up here in the Cherokee Nation? A Yes, sir.
Q When did you marry her? A March 24, 1886.
Q Did she live with you until she died? A Yes, sir.
Q Was she ever married except to you? A No.
Q Were you ever married before you married her? A Yes, sir.
Q Was your former wife dead when you married this wife? A Yes, si r.
Q Have you any one here who knows that this wife lived with you as your wife? A Roddy Reece does.

RODDY REECE, being sworn and examined by Commissioner Breckinridge, t estified as follows:

Q Give your name there, please? A Reddy Reese.
Q What is your post office? A Manard.
Q Are you one of the Representatives here of the Cherokee Nation? A Yes, sir.

George Fallin--2.

Q Do you know George Fallin? A Yes, sir.
Q Did you know his wife, Lena Carney, who was a Chickasaw? A Yes, sir.
Q She died before he married his present wife? A Yes, sir.
Q You knew they they lived together as husband and wife? A Yes, sir.
Q They had a child? A Yes, sir.
Q That child is a child of that man and this woman? A Yes, sir.
1896 Roll; page 469, #1124, Jesse Falling, Delaware.
(Note: "Marked on roll, ''Chickasaw'")

Com'r:--The applicant applies for the enrollment of his child, Jesse, who is duly shown on the roll of 1896 as a Chickasaw. He states that he married his Chickasaw wife in 1886, and that they lived together until her death some seven years ago. It is shown that he brought his wife to the Cherokee Nation after that marriage, and that this child was born of that marriage in the Cherokee Nation and has lived in the Cherokee Nation all his life. Inasmuchas the child is put upon the 1896 roll as a Chickasaw and the applicant states that he previously applied for the enrollment of that child as a Chickasaw, the child will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card for the further consideration of the record and the proper classification of the child. The father is duly identified on the roll of 1880 and has been enrolled upon a straight card in case $2344.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a ttue and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of December, 1900.
Xxxxxxx xxxx

Commissioner.

and there be given such allotment and distributions, and not [illegible].

[illegible] even that it should be [illegible] that could lease Indian [illegible] approved by [illegible] of the Cherokee Nation and the authorities of the United States as [illegible] in what [illegible] to have [illegible] I would rather have him [illegible] over there [illegible], of course they never did [illegible].

[illegible] is controlled by the Commission as a [illegible] the matter of the [illegible] approved by the Secretary of the Interior [illegible] of [illegible], relinquish all his [illegible] and [illegible] and [illegible] money of the [illegible] Nation [illegible], I don't [illegible] him in jail always.

[illegible] over there and [illegible] made in the Cherokee [illegible].

[illegible] Cherokee District did not? Yes sir, [illegible]. I think he was [illegible] in jail in Tahlequah. [illegible] in 1904? I don't know, must have been [illegible], if he was in [illegible].

[illegible] of 1904 of the three citizens examined [illegible] Lease Inter does not appear of record.

[illegible] submitted roll of citizens of the Cherokee Nation [illegible] for Joe Allen [illegible] on [illegible] Joe Vik, George Allen, Illinois District, native Cherokee.

Q. Is there any further testimony you desire to make relative to the application of Joe Allen for enrollment as a Delaware citizen of the Cherokee Nation? A. No sir.

Q. You submit the case on the testimony in your behalf? A. Yes sir.

BY COMMISSION: Counsel Allen in behalf of the applicant, and the representative of the Cherokee Nation present submit the case and state it does not appear that will be reported to the Commission for final action upon the evidence now of record.

I, [illegible], do hereby certify that the foregoing [illegible] contains a correct transcription to the best of my hearing and ability of the testimony and proceedings in this case and that the [illegible] and contains a true and correct transcript of the stenographic notes thereof.

[illegible]

1021 8 C

R

C. D-1001

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Jesse Fallen for enrollment as a Cherokee citizen.

Appearances:
George Fallen, the applicant's father;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant's father, George Fallen, was notified by registered letter that the application of Jesse Fallen to be listed for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 14th day of March,1902. On said day George Fallen appeared in person before the Commission, and by agreement withthe representative of the Cherokee Nation present the case was continued until the 15th day of March, 1902. And on this the 15th day of March,1902, said George Fallen appears in person.

GEORGE FALLEN, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A George Fallen.
Q How old are you? A Why, I don't know.
Q What is your post-office address? A Braggs.
Q Are you the father of Jesse Fallen, who was an applicant before the Commission for enrollment? A Yes sir, that is what his mother says.
Q How old is that child? A I think he is 13 years old in May if I aint mistaken.
Q What is the child's mother's name? A Her name was Lena Carney.
Q Is she living? A No sir.
Q Is she a Chickasaw or a Cherokee? A Chickasaw.
Q Has she ever drawn any money as a Chickasaw? A She was dead when they drawed after I married her.
Q Was she living when they drew the Leased District money in 1893? A No sir, she died the April before that.
Q Did you draw any money for this child, Jesse Fallen, as a Chickasaw? A I drawed for the four, yes sir.
Q Was this money paid to you? A Yes sir, it
Q It was paid when the others were paid down there? A They had several payments, theypaid this at Krebs on the Choctaw side; there was some Chickasaws living there just like these Creeks is over here,and she lived over there.
Q How much money did you get for this child? A I think it was $520 dollars.
Q For the four of them? A Yes sir.
Q Has this child ever lived in the Chickasaw Nation? A No sir, he went once when he was a baby and his mother took him down there to see his grammy when he was little, and stayed a day or two and come back, and never did go only when he went with me to register .
Q The following provision appears in section 21 of the act of Congress approved June 28,1898:

"The several tribes may by agreement determine the right of persons who for any reason may claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time he shallbe enrolled in the tribe with whom he has resided

and there be given such allotment and distributions, and not elsewhere."

In the event that it should be found that this child Jesse Fallen has been recognized by both the authorities of the Cherokee Nation and the authorities of the Chickasaw Nation as a citizen in what nation do you elect to have him enrolled? A I would rather have him enrolled down there in the Chickasaw Nation, because they never did give him no money here. I think he belongs there.

Q In the event that this child is enrolled by the Commission as a Chickasaw and the action of the Commission approved by the Secretary of the Interior do you in behalf of this child, relinquish all his right, title and interest in and to the lands and moneys of the Cherokee Nation? A Yes sir, I don't want him in both places.

Q Did you ever draw any money for this child in the Cherokee Nation? A No sir.

Q You never lived in Cooweescoowee District did you? A Yes sir, and in Delaware too. I think he was enrolled in 1896 in Delaware.

Q Where were you living in 1894? A I don't know, must have been in Cooweescoowee, in '96 I was in Delaware.

The Strip Payment roll of 1894 of Cherokee citizens examined and the name of Jesse Fallen does not appear of record thereon.

1880 authenticated roll of citizens of the Cherokee Nation examined for George Fallen and identified on page 532 No. 718, George Fallen, Illinois District, native Cherokee.

Q Is there any further statement you desire to make relative to the application of Jesse Fallen for enrollment as a Chickasaw citizen of the Cherokee Nation? A No sir.

Q You submit the case to the Commission for final consideration? A Yes sir.

BY COMMISSION: George Fallen in behalf of the applicant, and the representative of the Cherokee Nation present submit the case and same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D-1001.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jesse Fallin for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 17, 1900, George Fallin appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his minor child, Jesse Fallin, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, 1902.

The evidence shows that the applicant is identified, by the name of Jesse Falling, on the 1896 Census Roll of the Cherokee Nation, and is noted thereon as a Chickasaw, but that he is not identified on the 1894 strip payment roll of said Nation; that George Fallin, father of this applicant, is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and is enrolled on a straight card, Cherokee No. 2344; that in 1886 the said George Fallin was married to one, Lena Carney, a native Chickasaw, and they lived together as man and wife until her death, which occurred in 1893. In 1889 this applicant was born of that marriage, and he has resided in the Cherokee Nation all his life.

The evidence further shows that the said George Fallin drew money for this child from the Chickasaw Nation; that George Fallin, in behalf of this applicant, who is a minor, prefers and elects to have this applicant enrolled as a citizen of the Chickasaw Nation; and that the said applicant is listed for enrollment by this Commission on a Chickasaw roll card, Field No. 1551.

The eighth paragraph of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats.495) provides as follows:-

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; and if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere".

It is therefore the opinion of this Commission that the application of Jesse Fallin for enrollment as a citizen by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this 6 1907

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
MEMBERS OF THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D 1001.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of George Fallin for the enrollment of his child, Jesse Fallin, as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. C. No. 89.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1001.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esquire,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date July 16, 1902, denying the application for the enrollment of Jesse Fallin as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 1st day of August, 1902.

Very respectfully,

Acting Chairman.

10001

IN THE MATTER OF THE APPLICATION OF

Jesse Fallin

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1002

Cher D 1002

A 100

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 17 1901

Acting Chairman

Rejected as to applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1906.

IN THE MATTER OF THE APPLICATION OF John S. Stallcup for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A John S. Stallcup.
Q What is your age? A Twenty nine.
Q What is your Postoffice? A Siloa.
Q What district do you live in? A Saline.
Q Are you a citizen of the Cherokee Nation? A By adoption.
Q Whom do you want to apply for? A My wife and children.
Q Have you any certificate of marriage? A I forgot to fetch it: The man that married me is here in town.
Q Did you have a license? A Yes sir; they are at home.
Q What is your wife's name? A Sarah or Sallie K. Stallcup.
Q What was her name before you married her? A Kidd/
Q How old is she? A Twenty four.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q When did you marry her? A '91.
Q According to the laws of the Cherokee Nation? A No sir.
Q Married according to the laws of the United States? A Yes sir.
Q Do you apply for your self? A Yes sir.
Q What are the names of your children? A Florence.
Q How old? A Eight.
Q The name of the next child? A Mary A.
Q How old is Mary? A I reckon she's about seven: I do not hardly know.
Q What is the name of the next child? A Dizy D.
Q How old is she? A She should be four years old.
Q What is the name of the next one? A Cullice.
Q How old? A Nine months old.
Q Are these children all living at this time with you? A Yes sir.
Q You are a white man; non citizen? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Was not your wife a readmitted citizen? A Yes sir.
Q Have you the certificate of her admission? A No sir.

Com'r. T. B. Needles:
Q Are you on the roll of 1896? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Why? A They would not take me.
Q When were you married first? A In 1891.
Q Here at Tahlequah? A Yes sir.
Q How old is your wife? A She is twenty four now.
Q What was your wife's father's name? A Kidd, Jim Kidd.
Q What is your wife's mother's name? A Allie or Aurilla Kidd/
Q Why would they not enroll you in 1896? A I do not know.

Com'r. T. B. Needles:
Q Did your wife draw Strip money in 1894? A Yes sir.

Mr. W. W. Hastings, C. R.
Q When was your wife admitted to citizenship? A In '94.
Q And you were married in 1891? A Yes sir.

Com'r. T. B. Needles:
Q What district did you draw Strip money in in 1894? A In Delaware.

(1894 Roll, Page 476, #2883, Sally Stallcup, Delaware D'st)
(1894 Roll, Page 476, #2884, Francis Stallcup, Delaware D'st)

JOHN S. STALLSUP ET AL.

Com'r. T. B. Needles: The applicant presents a certificate of admission, issued from the office of the Commission on Citizenship, signed by William P. Ross, Chairman, attested by D. S. Williams, clerk of the Commission, J. N. Gunter, Commissioner, certified to by William M. Culliger, ~~Committee Clerk~~ Assistant Executive Secretary, certifying that one, Elrilda Kidd was readmitted to citizenship on the 25th day of September, 1889; said certificate bearing the seal of the Cherokee nation, and filed in the case of Elrilda Kidd et al., #3573.

Q When were you married? A '91.
Q What was your wife's mother's name? A Elrilda Kidd.
Q Is she the identical person mentioned in this certificate of admission I have just read? A Yes sir.
Q You were not married according to the laws of the Cherokee Nation?
A No sir.
Q Are these children all living and living with you at this time?
A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Where were you married? A Right here in town; Judge Paschal married us.
Q Why was not your wife enrolled in 1896? A I went to them, and they sent me to this Committee over here, and they would not hear me.
Q Do you know in what year your wife was born? A No sir.
Q Was your wife ever married before? A No sir.

Com'r. T. B. Needles:
Elrilda King, being sworn and examined by Commissioner, T. B. Needles, testified as follows:
Q What is your name? A Elrilda Kidd.
Q Is Sarah K. Stallsup your daughter? A Yes sir.
Q When was she born; in what year? A I do not know: She's twenty four years of age.
Q Was she a minor when you were admitted? A Yes sir.
Q Did she remove to the Cherokee Nation with you when you came?
A Yes sir.
Q Been living here ever since? A Yes sir.
Q You were admitted in 1889, were you? A Yes sir.

Cherokee Representative, W. W. Hastings:
Q Was she ever married before? A No sir.
Q Were they married after you came here? A Yes sir.
Q And after you were admitted? A Yes sir.

Com'r. T. B. Needles: The name of ~~Sarah~~ Sarah K. Stallsup is found upon the pay roll of 1894, as Sally Stallsup: She refers to a certificate of admission, more particularly described in the testimony, it being filed in the case of her mother, Elrilda Kidd. Her husband John S. Stallsup allies for enrollment, avers that he was married to the said Sarah K. Kidd in the year 1891, but presents no proof of marriage. The name of his child, Francis, whom he avers is by said marriage, appears upon the pay roll of 1894, and he presents satisfactory proof of birth as to two children, Mary A. and Dicy D., whose names do not appear upon the said roll. He avers that he has one other child, ~~Sam~~ Cullise, nine months of age, but presents no proof of its birth. The applicant avers that he was married according to the laws of the United States in the year 1891 to the said Sarah ~~K Kidd~~ S. Stallsup, whose name at that time was Sarah or Sally Kidd. The proof showing that the said John S. Stallsup was never married according to the laws of the Cherokee Nation, his application for the enrollment of himself as a citizen by intermarriage is

John S. Stallcup et al.

rejected.

Final judgment as to the enrollment of his wife, Sarah S. Stallcup, and children as enumerated herein, will be suspended, and their names will be placed on a doubtful card, awaiting proof of marriage of the said John S. Stallcup and his said wife, Sarah, and proof of birth of the youngest child, Gullies Stallcup, and also as to the question of her citizenship, (Sarah Stallcup's), she not being admitted at the same time with her mother.

The

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Crawford

Subscribed and sworn to before me this 10th day of January, 1901.

C H Breckinridge

COMMISSIONER.

D1002

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 1 1902

R.

C. D-1002.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Sarah K. Stallsup for the enrollment of herself and children as citizens of the Cherokee Nation.

Appearances:
J. R. Sequichie, Agent for applicant.
W. W. Hastings, Attorney for Cherokee Nation.

The applicant was notified by registeredletter February 26, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 14th day of March, 1902, appears by her Agent, J. R. Sequichie.

BY COMMISSION OF MR. SEQUICHIE: Do you desire to make any further statement relative to this case? A No sir.
Q You submit the case to the Commission? A Yes sir.

The Agent of the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1002.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES."

--ooooOoooo--

In the matter of the application of Sarah K. Stallcup and her minor children, Florence Stallcup, Mary A. Stallcup, Dicy D. Stallcup, Cullice Stallcup and Sealy Stallcup, for enrollment as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 17, 1900, John S. Stallcup appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his wife, Sarah K. Stallcup, and their minor children, Florence Stallcup, Mary A. Stallcup, Dicy D. Stallcup and Cullice Stallcup, as citizens by blood of the Cherokee Nat ion. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902. The other party to this application is differently classified and is not embraced in this decision.

It appears from the records in possession of this Commission that Alrida Kidd, by reason of her Cherokee blood, was lawfully readmitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship on September 25, 1889 (Record "B" of the Commission on Citizenship, page 333). The evidence further shows that the said Alrida Kidd is the mother of the applicant, Sarah K. Stallcup, and that the latter was a minor when her mother was readmitted to citizenship.

The evidence further shows that the said Sarah K. Stallcup (nee Kidd) is a Cherokee by blood and was lawfully married to John S. Stallcup, a non-citizen, on March 1, 1898, under a marriage license issued by the Clerk of the United States Court for the Indian Territory, First Judicial Division. From said marriage, all the children included herein were born. The minor applicants above mentioned and Sealy Stallcup, who was born since this application was made, are identified by birth affidavits on file with this Commission.

It further appears that the applicant, Sarah K. Stallcup, and her eldest child, Florence Stallcup, are identified on the 1894 strip payment roll of the Cherokee Nation as native Cherokees, the latter by the name of Francis Stallcup; but none of the applicants are identified on any of the other tribal rolls of said Nation.

The applicant, Sarah K. Stallcup, was a resident of the Cherokee Nation for some time prior to her said marriage, and since her marriage, has resided with her husband in the Cherokee Nation continuously up to and including the date of this application.

Decision # 2. Cherokee N-1062.

It is therefore the opinion of this Commission that Sarah E. Stallcup and her minor children, Florence Stallcup, Mary A. Stallcup, May B. Stallcup, Cullice Stallcup and Sealy Stallcup, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Spring Gulliver,
Chairman.

Clifton Wharton,
Commissioner.

Tams Bixby,
Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 20 1902.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1002.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of John S. Stallcup for the enrollment of his wife, Sarah K. Stallcup, and his five minor children, Florence, Mary A., Dicy D., Cullice and Sealy Stallcup, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 92.

FILE

THE APPLICATION OF

[illegible] R. Stalcup

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony Dec 17/00

B. Memo. of application Dec 17/00

C. Marriage license & certificate

D. Letter from applicant

E. Birth certificate of Mary A.

F. " " " " Dicy B.

G. " " " " Cullice

H. Birth certificate [illegible] Taiwah

Notice of final consideration, 3/14/02

Sep [illegible]

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Cher D 1003

Cher D 1003

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 10 1901

ACTING CHAIRMAN

DOUBTFUL, as to applicant's Wife:

D PARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

In the matter of the application of James Helterbrand for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Helterbrand being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A James Helterbrand.
Q How old are you? A 3o years old.
Q What is your post office? A Westville.
Q In Going Snake district? A Yes, sir.
Q Do you want to enroll yourself and family? A Yes, sir, I want to enroll me and my wife and child.
Q Only one child? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir.
Q White woman? A Yes, sir, she is adoption.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir, raised right on Barren Fork in Going Snake.
Q Give me the name of your father? A Nelson.
Q Is he alive? A No, sir.
Q Give me the name of your mother? A Sarah Crittenden.
Q Is she ali ve? A She is dead.
Q Give me the name of your wife? A Nellie Helterbrand.
Q How old is she? A 23.
Q When did you marry her? A In '93.
Q Have you got a certificate of marriage? A No, sir.
Q What was her name when you married her? A Nellie Clanton.
Q Were you ever married except to this wife? A No, sir.
Q Has she lived with you ever since you and she were married? A No, sir, she went off about two years ago and she has come back.
Q How long did she stay off? A She staid off purt nigh two years.
Q When did she come back? A The other day.
Q Did you take her back? A Yes, sir.
Q Are you and she living together? A She come back to me, she come back about a wekk ago I guess.

NELLIE HELTERBRAND, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Nellie Helterbrand.
Q Are you the wife of James Helterbrand? A Yes, sir.
Q You left him some two years ago did you? A Yes, sir.
Q What did you leave him for? A He did not treat me right when I was sick.
Q Where did you go? A I went to my father out on the Verdigris River.
Q Did you stay there up until, about when? A About a wekk ago.
Q Did you get a divorce from him? A No, sir.
Q How did he mistreat you? A He never took care of me when the baby was born.
Q This baby here? A Yes, sir.
Q Have you come back to live with him? A I do not know whether I will or not.
Q In what way did he neglect you when you were sick? A He went off and left me and I needed attention.
Q Where did he go? A He went off to cut oats.
Q How long did he stay? A Until the next day.
Q What reason did he give for going there? A He said he wanted to go to get work.
Q Did he get wages for it? A Yes, sir.

Q Did he need money? A Yes, sir, I guess he did.
Q And then did he come back? A Yes, sir.
Q And did he give you proper attention after that? A No, sir, he did not.
Q What did he do? A He went off and left me again.
Q How long before he went off again? A About a week.
Q How long did he stay away that time? A Three weeks.
Q Were you still si ck? A Yes, sir.
Q When did he come back that time? A I do not know.
Q Then you went to your father's ? A Yes, sir.
Q Did you go to your father's before the end of the three weeks? A No, sir.
Q You waited until he got back? A Yes, sir.
Q How long did you stay with him before you went to your father's? A About a month.
Q And then you went to your father's because of those things thad had taken place before? A Yes, sir.
Q Did he treat you properly that month? A He treated me pretty well.
Q Why did you put it off for a month? A I was not able to get away.

JAMES HELTERBRAND, further testified:

Q What is this about your goingoff and leaving your wife and not taking care of her when she was sick? A Well I went off to work and she said she was, she had a family there to take care of her, and after they never done it and she blamed me for mistreating her.
Q Did you have to go for work? A Yes, sir.
Q What did you do with your money? A I spent it.
Q Did you sent it to her? A I paid for some provisions for her/
Q How much did you make during that three weeks? A About two or t hree dollars.
Q Is that all you got for that three weeks? A I was not at work all the time. I was at work and she told me to look for a place to rent. Them folks I left with her was in her care and they never took care of her and she blamed me for mistreating her.
Q You never sent her any money when you were away? A No, si r.
Q She did not have any when you left? A No, sir. She had them folks there and they said that they would furnish us.
Q Were you renting from those folks? A Yes, sir.
Q Did she have anybody to wait on her? A Yes, sir, man and woman right there in the house to wait on her.
Q Who was that man, her brother? A Nor sir, Ryan Harlin, married my first cousin.
Q Did he have a family? A Yes, sir.
Q Did Ryan Harlin and his wife live in the same house with you? A Yes, sir, I thaught they would take care of her while I was gone. She was not really sick when I left, she was willing for me to go.

NELLIE HELTERBRAND, being re-called, further testified:

Q Did your husband ask you to agree to hi s going when he went away and staid three weeks? A No, sir.
Q Did he tell you he was going? A Yes, sir.
Q What did you say to him? A I told him not to stay long.
Q You did not tell him that you did not want him to go? A No, si r.
Q Did you tell him what you though would be a long ti me to stay? A No, sir, I did not.
Q When he staid three weeks you thought that was a very long time did you? A Yes, sir.

JAMES HELTERBRAND, the Applicant, re-called, further testified:

Q Give me the name of your child? A John William Helterbrand.
Q How old is the chi ld? A Two years old past, soon be three y ears old.
Q Born 19th of June, 1898? A Yes, sir.
Q Your father and mother died before you c an recollect did they? A Yes, sir.
Q Who were you li ving with when you were a chi ld? A Tom Butler raised me and he died and I went to Jack Neugin, I have been raised right in Going Snake.

1880 Roll; page 769, #1059, James Hilderbrand, Goi ng Snake.
1896 Roll; page 755, #1031, James Hilderbrand, Going Snake.
1896 Roll; page 831, #2321 Nelly Hilderbrand, Going Snake.

Com'r Breckinridge:--The applicant appli e s for the enrollment of himself, his wife and child: He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Chero kee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

His wifeis shown by her own and her husband's testimony to have married hi m in 1893. She is identified wi th him on the roll of 1 896. She is a white woman. He states that neither was married before. Some two years ago she left him and went to her father's under conditions stated in the testimony. She came back about one week ago. She appears in the course of the examination and it does not appear that they have resu med living as husband and wife. For the further considerati on of her status, she wi ll now be listed f or enrollment on a doubtful card as a Cherokee by adoption. When the Commission is supplied with a proper certificate of the birth of the child John W., this child will also be listed for enrollment as a Cherokee by blood.

—oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoi ng is a true and complete transcript of his stenographic notes t hereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of January, 1901.

D. B. Fleming

Commissi oner.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 17 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License C. Certificate

23 Wife's name Nellie Helterbrand – Allowee D.T.

District GOING SNAKE. Year 1896 Page 831 No. 238

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Denied

On 1896 roll as Nelly Stilcter brand

Commissioner.

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Cpelokee cslq No. D-1002.

C. HIMMELSMITH

BY COMMISSION: ailM fosmlyfsof ot lilm vnomlyfsof ot ylf ffe bnm
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Cherokee doubtful case No.1003.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 8th,1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of NELLIE C. HILDERBRAND for enrollment as a Cherokee citizen by intermarriage.

Appearances:
Applicant in person;
W.W.Hastings, for the Cherokee Nation.

ANNIE WILKINSON, being sworn and examined, testified as follows:

BY COMMISSION:
Q What is your name?A Annie Wilkinson.
Q How old are you? A Twenty-three.
Q What is your post-office address? A Elam.
Q Are you a citizenof the Cherokee Nation? A No sir.
Q You desire to give some testimony in the matter of the application of Nellie Hilderbrand to be enrolled as Cherokee by intermarriage? A Yes sir.
Q Are you acquainted with this Nellie Hilderbrand? A Yes sir.
Q How long have you known her? A Oh I have known her for five years, yes for eight years I have known her.
Q Did you know her husband? A Yes sir.
Q What is his name? A Jim Hilderbrand.
Q Do you know when they were married? A Yes sir.
Q Were you present at their marriage? A Yes sir.
Q How long did they continue to live together after that marriage? A I couldn't tell you that.
Q Do you know when they ever separated? A No sir, I don't know.
Q You don't know whether they ever separated? A No sir.
BY MR. HASTINGS:
Q How long have they been separated this last time? A I don't know howlong.
Q Have they lived together any in the past year, or since December 17th, 1900? A No sir, I don't think they have.
Q Then she went back over there to him just for the purpose of getting put on the roll and thenleft him again; she went over there and stayed a day or so and in that length of time came before the Commission for enrollment, and then left him again, didn't she, isn't that a fact? A I couldn't tell you myself.
Q Where doesyour sister live, aint she your sister? A No sir; she lived in the Cherokee Nation and I live in the Creek Nation.
Q How far does this woman live from you?A She lives quite a ways from me.
BY COMMISSION:
Q How do you know she has not lived with her husband? A She has not been with him in my presence for quite a while.
Q Have you ever been at his house? A No sir.
Q Has he ever been at your home? A No sir.
BY MR. HASTINGS:
Q Have you ever been at her home? A No sir.
Q Has she ever been at your home? A Yes sir, she was there last winter and this winter.
BY COMMISSION:
Q Where does she live now? A On the Verdigris in the Cherokee Nation.
Q Where does her husband live? A At Tahlequah.
Q You are living in the Creek nation? A Yes sir.
Q Do you know of your own knowledge whether or not they have lived together since December 17, 1900 or since they applied for enrollment at Tahlequah a year ago last December? A No sir, I could not say that, because I have not been with them.

Q You don't know whether or not they have ever lived together since that time? A No sir.

NELLIE C. HILDERBRAND, being sworn and examined testified as follows:

BY COMMISSION:
Q What is your name? A Nellie C. Hilderbrand.
Q How old are you? " A 24.
Q What is your post-office address? A Alluwee.
Q Are you the wife of James Hilderbrand, who applied for enrollment before the Commission at Tahlequah, in December, 1900? A Yes sir.
Q Were you living with him at that time? A No sir.
Q You were not living with him at that time? A No sir.
Q When were you married to James Hilderbrand? A '93.
Q How long did you live with him? A I lived with him little over four years
Q Until about 1897? A Yes sir.
Q Did you leave him or did he leave you? A I left him.
Q Why? A Because he mistreated me and never provided for me.
Q Did he ever endeavor to have you come back and live with him? A He wanted me to, but I didn't do it.
Q Didn't you go and live with him for about a week in December, 1900? A No sir.
Q Were you not living with him when he made application for your enrollment as a citizen by intermarriage? A No sir.
Q Have you ever lived with him since you separated in 1897? A No sir.
Q Are you living with him now? A No sir.
Q Have you ever married since youleft him? A No sir.
Q Have you been divorced? A No sir.

BY MR. HASTINGS:
Q How old is your youngest child? A He is three years old.
Q What is the exact date of its birth? A 19th of June.
Q What year, three years last June? A Three years last June, it will be four years old the 19th of next June.

BY COMMISSION:
Q Is this child named John W.? A John William Hilderbrand.

BY MR.HASTINGS:
Q Your husband on the 17th day of December 1900 was asked the question, "When did she come back?" and he answered by saying, "The other day." A I never went back and lived with him at all.
Q In answer to the question, "Did you take her back?" , he said, "Yes sir." A He never took me back.
Q In answer to the question, "Are you and she living together?" he answered, "She came back to me; she came back about a week ago I guess." You didn't go back and live with him? A No sir.
Q When you played quits you quit entirely then did you? A Yessir.

BY COMMISSION:
Q This child was born after you separated from your husband, Jim Hilderbrand? A No sir. He was born just before we separated.
Q When did you separate from him? A In September.
Q Of what year? A I aint very well graduated myself, it was '98, the child was about three months old when I come home and I have not lived with him since and I don't expect to.

BY COMMISSION:
Q When did you say you separated from your husband, in what month and on what day of the month? A Well I couldn't tell you just what day of the month we separated.
Q Do you remember what month it was? A Yes sir.
Q What month wasit? A It was December.
Q Of what year? A 1900.
Q 1900? A No, '98.
Q Wasn't this child born before youleft your husband? A Yes sir,

he wasborn before I left my husband, that's when he mistreated me, when I was sick.
Q This child was born in June wasit? A Yes sir.
Q Of what year, how old was it last June? A It was three years old the 19th of June.

BY COMMISSION: This testimony will be filed and made a part of the record in the matter of the application of Nellie C. Hilderbrand for enrollment as a Cherokee by intermarriage, Cherokee card No. D-1003.

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M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five CivilizedTribeshe correctly recorded the testimony and proceedingsin this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 8th,1902.

Commissioner.

D1003

Washington, D. C., June 6, 1902.

Hon. Thos. B. Reed,
House of Representatives.

Dear Sir:

I am in receipt of your letter of the 3rd inst. in which you inclose a letter from Mr. Thos. Pickens, of Muskogee, I.T., in which he asks that the Dawes Commission be given a force of stenographers and typewriters to enable them to keep up with the work of taking testimony in the Choctaw and Chickasaw Nations.

I have the honor to inform you that the Dawes Commission has been given a force of stenographers and typewriters to enable them to keep up with the work of taking testimony in the Choctaw and Chickasaw Nations.

Very respectfully,

Thos. Ryan,
Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 7 1902

Dear Sir:

I am in receipt of your letter of the 3rd inst. in which you inclose a letter from Mr. Thos. Pickens, of Muskogee, I.T., in which he asks that the Dawes Commission be given a force of stenographers and typewriters to enable them to keep up with the work of taking testimony in the Choctaw and Chickasaw Nations.

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Very respectfully,

Thos. Ryan,
Acting Chairman.

D-1002.

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C. D-1003.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Nellie C. Helterbrand for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of her self as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 14th day of March 1902, been called, and failing to respond, it is deemed that her case is completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Norfolk Harbor.

Washington, D. C., Feb. 25, 1861.

Gentlemen:

Your letter of the 22d inst. was duly received, and I have given it the attention it deserves. I am not prepared to say that the Government will be able to furnish the vessels you mention, but will do so if possible

Cher
Supp'l to # D 1003

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 22, 1902.

In the matter of the application of NELLIE C. HELTERBRAND, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

NELLIE C. HELTERBRAND, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Nellie C. Helterbrand.
Q What is your age ? A Twenty five.
Q What is your post office address ? A Alluwee.
Q Are you a white woman ? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage ? A Yes sir.
Q What is your husband's name ? A Jim Helterbrand.
Q Is he a Cherokee by blood ? A Yes sir.
Q How long has your husband been living in the Cherokee Nation ?
A He was raised in it.
Q Has he lived in the Cherokee Nation all his life ? A Yes sir.
Q When were you married to him ? A In 1893.
Q Is he your first husband ? A Yes sir.
Q Are you his first wife ? A Yes sir.
Q Have you and your husband been making your home in the Cherokee Nation ever since your marriage ? A Yes sir.
Q Never have lived anywhere else, have you, since that time ?
A No sir.
Q You say that neither you nor your husband were ever married before this marriage ? A No sir.
Q Have you any children ? A Yes sir.
Q How many ? A One, there he sits over there in the corner.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this November 29, 1902.

B. H. Jones
Notary Public.

Cherokee D-1903.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nellie C. Helterbrand as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 17, 1902, James Helterbrand appeared before the Commission at Tahelquah, Indian Territory, and made application for the enrollment, among others, of his wife, Nellie C. Helterbrand, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on January 8, 1902, and October 22, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Nellie C. Helterbrand was lawfully married, in 1893, to one James Helterbrand, a citizen by blood of the Cherokee Nation who is identified on the Cherokee authenticated roll of 1880. The said Nellie C. Helterbrand is identified on the Cherokee census roll of 1896.

The evidence further shows that the said Nellie C. Helterbrand lived with her husband in the Cherokee Nation from the date of her marriage to him until about the year 1898, when she separated from and left him, returning to and resuming the marriage relation with her said husband in December, 1900, from which time she has lived with him continuously in the Cherokee Nation, up to and including September 1, 1902. (?)

It is, therefore, the opinion of this Commission that Nellie C. Helterbrand should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this _____

Cherokee D 1003.

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DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nellie C. Helterbrand as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

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The record in this case shows that on December 17, 1900, James Helterbrand appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of his wife, Nellie C. Helterbrand as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on January 8, 1902.

The evidence herein shows that Nellie C. Helterbrand was married in 1893 to James Helterbrand, a citizen by blood of the Cherokee Nation.

The evidence further shows that said Nellie C. Helterbrand and her husband lived together for about four years following their marriage, and that they then separated, but the evidence fails to show that the said Nellie C. Helterbrand abandoned her husband. She is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Nellie C. Helterbrand has resided in the Cherokee Nation since 1893.

It is, therefore, the opinion of this Commission that Nellie C. Helterbrand should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this_____

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polcat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3598
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Domithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
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Fannie Vann	D	1458
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C. F. Walker	D	1558
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Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
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Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Dosie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S J Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

D

D1003

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 26 1902

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mr. James Helterbrand,

Westville, Indian Territory,

Sir:-

You are hereby notified that the application of Nellie C. Helterbrand

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage to Nellie C. Helterbrand.

Cherokee D-1003
Register.

Yours truly,

~~Acting Chairman~~.

Commissioner in Charge.

D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on..... ....

....

by delivering a true copy thereof on the

.....day of ....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

....day of ...., 190.. .

....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to ....

....

on the ..... day of .... A. D. 190....

....

Subscribed and sworn to before me this ....

....

Notary Public.

NOTICE!

IN THE MATTER OF the application of [illegible],
for enrollment as Cherokee citizens:
Case No. D [illegible]

To [illegible]:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

N. N. Harding

Attorneys for the Cherokee Nation.

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. [illegible] 1[illegible]3.

[illegible], I. T., [illegible]ch 7, 1[illegible].

[illegible]

[illegible]

[illegible]

[illegible]ch [illegible], 1[illegible].

[illegible]

Cherokee D-1093.

Muskogee, Indian Territory, June 3, 1902.

Nellie Helterbrand,

Westville, Indian Territory.

Madam:

In the matter of your application for the enrollment of yourself and your minor child, John William Helterbrand, you are directed to cause the enclosed birth affidavit to be executed, and return the same to the Commission at Muskogee, Indian Territory, on or before July 24, 1902.

Unless this requirement is complied with, your case will be considered on the evidence now in the record.

Yours truly,

1. Enclosure.

Register

Commissioner in Charge.

Muskogee Dawes.

Muskogee, Indian Territory, June 7, 1902.

Nellie Halderman,

Vanoville, Indian Territory.

Madam:

In the matter of the application for the enrollment of yourself and minor child, John William Halderman, you are directed to furnish to this Commission on or before June 23rd 1902, proper affidavits of the birth of your said son.

Yours truly,

Acting Chairman.

Charokee D-1068.

Muskogee, Indian Territory, June 9, 1906.

Young Walterbrand,
Vonville, Indian Territory.

Sir:

In the matter of your application for the enrollment of your wife, Willie G. Walterbrand, and child, John William Walterbrand, you are directed to furnish to this Commission on or before June 23rd 1906 proper affidavits of the birth of your said child.

Yours truly,

Acting Chairman.

Cher. D 1003

Muskogee, Indian Territory, January 10, 1907.

Nellie C. Helterbrand,
Allawee, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D.

Commissioner.

Cherokee D1003

Muskogee, Indian Territory, March 14, 1907.

Nellie C. Helterbrand,

Alluwe, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

C7B

REFER IN REPLY TO THE FOLLOWING:

Cherokee D1023

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907

Nellie C. Kelterbrand,

Allure, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, waaffirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

RPI

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Mond[illegible] March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

D 1003

[illegible] from
J. S. [illegible] Separation
[illegible] Underbrush
[illegible] and
[illegible] Horticultural
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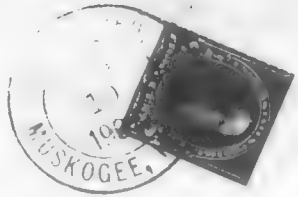
Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



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Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
MUSKOGEE, IND. TER.

To
Hilliard
Cow Creek

NORTHUMB.D.T.
MAR 18 1891

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Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

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FORW... D.

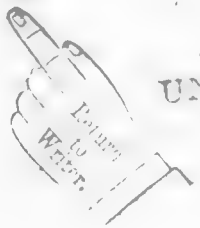
Nellie C. Helter road,
~~Altuwe~~, Indian Territory.

Essie Nell Lett

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



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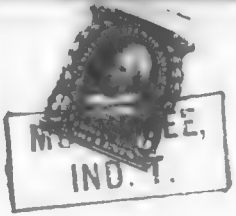

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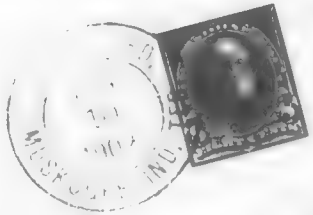
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



Cher D 1004

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1004

DEPARTMENT OF THE INTERIOR
ISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 18 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 17, 1900.

In the matter of the application of James Robert Padget for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A James Robert Padget.
Q How old are you? A I will be 40 the 25th of this month.
Q What is your post-office? A Stilwell.
Q In what district do you live? A Goingsnake.
Q Do you want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A I have got 6.
Q Are they all under 21 years of age and unmarried? A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q When did you marry your wife? A 1883.
Q Have you a license and certificate of marriage? A I think so. (Produces papers)
Q You married Miss Eliza Sixkiller didn't you? A Yes sir
Q Have you lived with her ever since you married her? A Yes sir
Q Were you ever married except to her? A Yes sir, once before
Q Was that wife dead when you married this wife? A No sir.
Q Had you been divorced from her? A Yes sir.
Q Have you got a copy of the decree of divorce? A No sir.
Q What was the name of your former wife? A Lydia Nettis when I married her.
Q Where did you marry that wife? A In the State of Georgia.
Q In what county? A Forsyth County.
Q When did you marry your wife Lydia? A In 1877 I believe if I mistake not.
Q Well when did you get a divorce from her? A In 1884, I belie
Q Did you get that divorce back in Georgia? A No sir, I applied in Goingsnake before the Circuit Court. We emigrated here in 1881, the North Carolina Emigration.
Q Was she a Cherokee by blood? A Yes sir.
Q She is still living is she, your wife Lydia? A No sir, she is dead now.
Q Did something after you married your present wife? A Yes sir, she lived some three or four years I reckon after me and my second wife were married.
Q What year did you come to the Cherokee Nation? A 1881.
Q You were never married to your wife Lydia under Cherokee law? A No sir.
Q Your wife's full name now is ~~Lydia~~ Eliza Padget? A Eliza Padget is my present wife's name.
Q How old is she? A She claims to be 33
Q Has she lived in the Cherokee Nation all her life? A Yes sir Born and raised in Goingsnake I reckon.
Q Was she ever married except to you? A No sir.
Q Give me the name of her father? A Jacob Sixkiller.
Q Is he dead? A Yes sir.
Q Give me the name of your wife's mother? A Winnie Sixkiller
Q Is she dead? A No sir.
Q Give me the names of your children? A Jacob Padget is the oldest one.
Q How old is that child? A 11 years old.
Q Next child? A Mariah.
Q How old is she? A She is 9.
Q Next child? A Annie
Q How old is she? A 7:
Q Next child? A Jesse, a boy.

Q How old is he? A He is 5.
Q Next child? A Robert.
Q How old is that child? A 3
Q Next child? A Luke.
Q How old is he? A He is a year old
Q These children are all living now are they? A Yes sir
Q Have any of them got any middle names? A No sir.
1880 roll page 470 #1502 Eliza Sixkill r Goingsnake native Cher
1896 roll page 779 #1658 Eliza Padgett Goingsnake
1896 roll page 779 #1659 Jacob Padgett "
1896 roll page 826 #152 James Padgett "
1896 roll page 779 # 1660 Mariah Padgett "
1896 roll page 779 #1661 Annie Padgett "
1896 rollpage 779 #1662 Jesse Padgett "

Carr Brockinridge: The applicant applies for the enrollment of himself, his wife and six children; his wife is identified on the rolls of 1880 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life; her change of name is established by the license and certificate filed herewith, establishing her marriage, and she will be listed now for enrollment as a Cherokee by blood; of the six children named in the testimony, the first four are duly identified with their parents on the roll of 1896; they are living and will be listed for enrollment as Cherokees by blood; their certificates of birth of the two younger children, Robert and Luke are filed with the Commission, these children, also will be listed for enrollment as Cherokees by blood; the applicant is shown to have married his wife in accordance with Cherokee law June 3, 1888; he states that they have lived together ever since; that marriage; that she was never previously married; that he was married once before, and that he procured a divorce from his former wife before he married his present wife; she is identified ~~as a Xxxxxxxx~~upon the roll of 1896, and she will now be listed for enrollment as a Cherokee by intermarriage, but upon a doubtful card, to await copy of decree of divorce from his first wife, in accordance with the testimony.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this December 18,1900.

Commissioner.

1004 2-1004

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 17 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF JAMES R. PADGET.

Richard M. Wolfe, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Richard M. Wolfe.
Q Your Postoffice is Tahlequah I believe? A Yes sir
Q James R. Padget has said that you were his attorney in proceedings for a divorce from his former wife: Is that a fact?
A Yes sir; that is true.
Q Where was suit brought for divorce? A In Going snake District, Circuit Court.
Q What is the name of that wife? A I can not recall that: I remember handling the case: He employed me.
Q Was the divorce granted by the Court? A Yes sir.
Q Do you know of any reason why there should not be a record of the proceedings of that Court? A The only reason I can state is that J. R. Wright was clerk at that time: He was very negligent of all his records.
Q But you are positive in your own mind that the divorce was granted? A Yes sir.
Q Was it granted to the applicant, or to his wife?
A It was granted to the applicant.
Q Mr. Padget here? A Yes sir.
Q Did they have any children at the time? A I do not remember whether they did or not.
Q He was the plaintiff in the proceeding? A Yes sir.

Com'r. C. R. Breckinridge: This will be had as additional testimony in the application made today (December 17th, 1900) of James R. Padget.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Brannock

Subscribed and sworn to before me this 11th day of January, 1901.

C R Breckinridge

COMMISSIONER.

R.

C. D-1004.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James R. Padget for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any testimony affecting his application. Receipt has been acknowledged of the Commission's letter, the applicant has been called, and fails to respond., either in person or by attorney.

There is offered in evidence a certified copy of application of James R. Padget for a Cherokee marriage license.
The application is as follows:

On this day Oct. 7th 1887 James Paget and makes application for marriage license I J. R. Wright clerk of Going Snake District having been informed that the said James Paget had a wife from whom he had never obtained a lawful divorce from and also having been informed that the said James Pagets wife had abanden him without a just cause I and is now living with another man and has been for the period of two years which I deem a good and sufficient reason to issue license under.

Cherokee Nation Going Snake District. On this Oct 7th 1887 personally appeared before me J.R.Wright clerk of the aforesaid District and Nation James paget and presents the following instrument of writing and who after being duly sworn as the law directs, the said document he states is an agreement between himself and his former wife who is now living with Frank Vicery as man and wife and has one child by the said Frank Vicery.

Executive Office Cherokee Nation,
Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is true copy taken from page 56 of the Marriage record of Going Snake District Cherokee Nation, now on file in this Office and is in my legal custody; that on page 63 of said marriage record is the record of a marriage license to James Paget a citizen of the U. S. to marry Miss Eliza Sixkiller, a citizen of the Cherokee Nation, dated "this 29th day of May A.D.1888" and signed "J.R.Wright clerk Going Snake District, C.N.". I hereby certify that I have examined the record for the Circuit Court of Going Snake District and fail to find a record of a divorce granted to said James Paget; that said Circuit Court record has been filed in this office and is in my legal custody Given under my hand and the seal of the Cherokee Nation this the 22 day of February 1902.

B. W. ALBERTY,
Assistant Executive Secretary.
Cherokee Nation.

Alex Volt.) Petitio-
ner.)
vs.)
J. P. Thompson, Administrator.)
)
Cherokee Nation.)
Pro Tem.) Tahlequah, I.T.
) September 8th, 1896.

The petitioner in this case, Alex Voltz, seeks admission to the Cherokee Nation as a citizen, on the ground that he was married to a citizen of the Cherokee Nation, and that he has been a citizen of said Nation since the date of his marriage. The petition shows that the petitioner married Ida Fisher, a citizen of the Cherokee Nation, in the year 1888, and that he has been a resident

The foregoing copy of applicationfor marriage license is endorsed as follows:

Department of the Interior.
Commission to the Five Civilized Tribes.
F I L E D
Mar 15 1902
Tams Bixby
Acting Chairman.

The following entry appears in the Docket of the Cherokee Commission on Citizenship for the years 1880 to 1884, on page 92.

COMMISSION ON CITIZENSHIP.

Tahlequah, C. N., Feb. 4, 1881.

Case 89.

Charlotte Vickery,		Atty. for Plff.
Lida Paget,	Petition for	C. H. Taylor.
Emer Paget	Citizenship.	
Mary Paget		
Ella Lorena Paget		
vs.		
Cherokee Nation.		

Continuedby the Commission on account of the testimony not being closed Oct. 3d, 1881.
Case continued by Commission till Sept. Term, Feb. 3rd, 1882.
Submitted by claimants Sept. 18th, 1882.
Submitted by the Solicitor Sept. 18th, 1882.

And now on this the 19th dy of September, 1882, the case coming on for final hearing; and there being no evidence produced in the case by either side, it is ordered by the court that said case be, and the same is hereby dismissed withoutadditional adjudication.

D. W. C. Duncan
Clerk of Commission.

Thos. Tahee, President of Commisin
Alex Wolf } Commissioners.
T. F. Thompson, }

And now on this the19th dy of Sept., 1883, on motion of the Claimant the above case is reinstated on the Docket and placed for trial.

Case submitted by Claimant Sept. 14th, 1883.

Case submitted by Solicitor Sept. 19th, 1883.

And now on this the 25th dy of September, A. D. 1883, this case coming on for final hearing, and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission on Citizenship, it was adjudged by said Commission that the above named Claimants Charlotte Vickery, Lida Paget, Emer Paget, and Mary Paget & Ella Lorena Paget are Cherokees by blood and that they are justly entitled to all the rights & privileges of Cherokee Citizenship in the Cherokee Nation, and that they should be, and are hereby, admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Alex Wolfe } Commis-
T. P. Thompson, } sioners.

Wm. Eubanks,
Clerk Com.
Pro Tem.

Transcript furnished
September 26th, 1893.

The representative of the Cherokee Nation calls attention to the fact that this is a mistake, as he never was admitted to citizenship in 1883, that the applicant himself was not at that time admitted, and that there is no record to show that he ever married his first wife in accordance with the laws of the Cherokee Nation, wastherefore not a citizen of the Cherokee Nation and therefore could not have sued in the Circuit Court for Going Snake District, Cherokee Nation, for divorce, not being a citizen of the Cherokee Nation. Further, attention is called to the application for marriage license to marry his second wife, which shows that it was recognized at that time that he and his first wife were not legally divorced. In case this man was not divorced from his wife, when he hadlawfully married, he was not free to contract a legal marriage to his second wife, and is therefore not entitled to be enrolled as a citizen of the Cherokee Nation by intermarriage.

The applicant having this day been called, and failing to respond, either in person or by attorney, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1004.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James R. Padget for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 17, 1900, James R. Padget appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that on June 3, 1888, the applicant was lawfully married, under a Cherokee Marriage license, and in accordance with the laws of the Cherokee Nation, to Eliza Sixkiller. The latter is identified as a native Cherokee on the 1880 authenticated roll of the Cheroke Nation, by her maiden name, Eliza Sixkiller, and on the 1896 Census Roll of said Nation by the name of Eliza Padgett. The applicant is identified on the 1896 Census Roll as an adopted White.

It appears from the evidence that at the time of his said marriage, the applicant had a former wife living, one, Lydia Padget (nee Bettis), whom he married in 1877 in Georgia. Secondary evidence is introduced herein for the purpose of showing that he was divorced from his former wife by a decree of the Cherokee Circuit Court, Going Snake District, in 1884; but it is not satisfactorily established by the evidence that there once existed a record of such divorce, and that it was subsequently lost or destroyed.

"Greenleaf says:- "Conclusive presumptions are also made in favor of judicial proceedings. Thus the records of a Court of Justice are presumed to have been correctly made". 1, Greenleaf on Evidence, 16 Ed., Sec. 19.

The custodian of the records of the Cherokee Circuit Court, of Going Snake District, certifies that he has searched such records and failed to find any record of a divorce granted to the applicant herein.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats.495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee Laws".

It is provided in Section 687 of the Compiled Laws of the Cherokee Nation (1892) that :

"No marriage shall be contracted whilst either of the parties has a husband or wife living;" and in Section 692 of such Compiled Laws:- "All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation without any judgment of divorce or other legal proceedings".

Decision # 2. Cherokee 3-1064.

It is therefore the opinion of this Commission that the application of James R. Padgett for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this Jan 16 1902

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. 1064

Muskogee, IND. TER. Feb. 18, 1902.

Mr. R. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please make a very careful examination of the records of Saingsmake District, during the time that Mr. J. R. Wright was clerk, and see if there ever was a case pending there for a divorce wherein James R. Padget was a party to the suit. It seems that this man Padget had a wife by the name of Lydia, and what we want to get is the date the divorce was granted, if you do not find wherein a divorce was granted, see if you can find wherein the suit was pending between this man and his wife and give us a certified copy of any record you can find about this case; it seems that there should be some record of where the case was on the docket or some entry on the docket that would give the date of when the case was pending. If you find any docket entry of the case of this man, give us a certified copy of the entry showing the date of the term of court and the date this case was set for hearing.

If you find no docket entry after having made a careful search of the records of Saingsmake District send us a certificate to that effect that the records do not showing that there never was a case of this kind.

Yours very truly,

On book.

J. C. Starr

I fail to find any record of a divorce to Pogel, and send you a copy of his statement to Clerk Wright in regard to his former wife. His application was made in Oct. 1887 and his license granted in May 29, 1888. If he obtained a divorce it must have been at May Term or Oct. 1888. The record does not show any proceeding for either Term in 1888.

B.W. Allen

Please make a very careful examination of the records of Coingmanie District, during the time that Mr. J. M. Wright was clerk, and see if there ever was a case pending there for a divorce wherein James E. Pogel was a party to the suit. It seems that this man Pogel had a wife by the name of Lydia, and what we want to get is the date the divorce was granted, if you do not find wherein a divorce was granted, see if you can find wherein the suit was pending between this man and his wife and give us a certified copy of any record you can find about this case; it seems that there should be some record of minute the case was on the docket or some entry on the docket that would give dates of when the case was pending. If you find any docket entry of the case of this man, give us a certified copy of the entry showing the date of the term of court and the date this case was set for hearing.

CD 104

If you find no docket entry after having made a careful search of the records of Coingmanie District send us a certificate as that the records do not showing that there never was a case of this kind.

Yours very truly,

C D. 1004

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... .....
day of.....A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of....., 190.....

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the.....day of..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of James R. Padgat, for enrollment as Cherokee citizens:

Case No. D 1004

To James R. Padgat, Stilwell, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Indian Territory, on March, 24, 1902. ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 13, 1902.

.....

.....

Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. D 1004.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of James R. Padget for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. C. No. 99.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1004.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date July 16, 1902, denying the application of James R. Padget for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior August 1, 1902.

Very respectfully,

Acting Chairman.

POOR ORIGINAL -
BEST AVAILABLE COPY

D 1004 -

FEB 15 1902

On file with Commission
Certified Copy
Cherokee marriage License
and certificate issued
May 28, 1888 to James
Pogget to marry Eliza
Sixkiller, & a certificate
that they were married
June 3, 1888 by J R Wright
Clk G.S. Dist 1 -
Certified to by J R Garrell Clk
May 5, 1910

IN THE MATTER OF THE APPLICATION OF

James R. Padgett

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Trans

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1005

Cher D 1005

1005

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 16 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 17, 1900.

In the matter of the application of Mary Lawson for the enrollment of her child, EMMA FRANCES ADAIR, as a Cherokee citizen; being sworn and examined by Commissioner Brackinridge she testified as follows

Q Give me your full name A Mary Lawson.
Q How old are you? A 24
Q What is your post-office? A Tahlequah.
Q Do you live in Tahlequah District? A Yes sir.
Q You haven't any middle name? A No sir.
Q Who is it you want to enroll? A My little girl.
Q Just the child? A Yes sir.
Q You are a white woman? A Yes sir.
Q And you have married out? A Yes sir, I have married a white man, since my Cherokee husband died.
Q Give me the name of the father of this child? A Moses Adair.
Q Is he dead? A Yes sir.
Q He was a Cherokee by blood, was he? A Yes sir.
Q How long has he been dead? A He has been dead little over eight years.
Q When were you and he married? A In 1891.
Q Have you a certificate of your marriage? A No sir
Q How old was he when he died? A 28, that's what he told me.
Q What was the name of his father? A Rufus Adair.
Q Is he dead? A Yes sir.
Q Give me the name of your husband's mother? A Jennie Adair.
Q Is she dead? A Yes sir.
Q Was your husband Adair ever married before he married you? A Yes sir, once.
Q Was that wife dead when he married you? A Yes sir.
Q Were you ever married before you married him? A No sir.
Q He was your first husband? A Yes sir.
Q How long after his death was it when you married? A 2 years.
Q Now give me the name of the child. A Emma Frances Adair.
Q How old is the child? A 8 years old.
Q This is the child here is it? (Indicating a child standing near)
A Yes sir.

PLEAS LAWSON, being sworn and examined by Commissioner Brackinridge testified as follows:

Q Give your full name? A Pleas Lawson.
Q How old are you? A 27 years old.
Q What is your post-office? A Here in town, Tahlequah.
Q Are you the husband of this applicant here? A Yes sir.
Q What was her name when you married her? A Her name was Adair.
Q Was she a widow? A Yes sir.
Q Whose widow was she? A Moses.
Q How long since you married your wife? A It has been about going on six years now.
Q Have you got a certificate of marriage? A Yes sir, I have; at home.

APPLICANT RECALLED:
Q Where was Moses Adair's home? A Sequoyah and Illinois District.
Q Did you and your husband live in the Cherokee Nation from the time you married him until he died? A Yes sir.
Q You lived with him down until he died? A Yes sir.
Q Did he live here all his life? A Yes sir.
1880 roll page 680 #3 Moses Adair Sequoyah native Char
1896 roll page 835 #30 Emma Adair Illinois district.

Mary Lawson for child 2

Q Where were you married to your husband Adair? A At Muskogee.
Q Who married you? A Preacher Butler.
Q Was there a regular license got out? A Yes sir.
Q Where was the license got out? A At Muskogee.
Q How did you happen to be married at Muskogee? A Q We went from Illinois District to Muskogee.
Q Went over there for that purpose? A Yes sir.
Q And the license was got out there and the ceremony performed there?
A Yes sir.
Q Do you know where the license was recorded? A Yes sir, at Muskogee.

Comr Breckinridge: The applicant applies for the enrollment of a child, which she states is her child by a former husband, a Cherokee, now deceased; she states that she and her former husband, Moses Adair, were married in 1891 at Muskogee, and that evidence of their marriage is upon record there. Her husband was married once prior to this marriage, but his former wife is said to have been dead before this marriage was entered ~~xxx~~ upon, and the applicant states that her deceased Cherokee husband was her first husband; she makes no application for herself, as she has since his death married a white man; the child Emma F. Adair, is duly identified on the roll of 1896; she is living and she will now be listed for enrollment as a Cherokee by blood, upon a doubtful card, to await further evidence of the marriage between the applicant and her first husband; she states that her first husband lived in the Cherokee Nation all his life, and that she lived with him from the time of their marriage until his death.

C.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. C D Green

Subscribed and sworn to before me this December 19, 1900.

Commissioner.

D1005

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

ACTING CHAIRMAN.

R.

6. D-1005.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Mary Lawson for the enrollment of her child Emma F. Adair as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of her child Emma F. Adair, as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1005.

JHP5

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma F. Adair for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 17, 1900, Mary Lawson appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of her minor child, Emma F. Adair, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The evidence shows that on October 2, 1891, Mary Park, who is a white woman and the mother of this applicant, was lawfully married to one, Moss Adair, under a marriage license issued by the Clerk of the United States Court in the Northern District, Indian Territory; that they lived together as husband and wife until his death in 1892, and that the applicant was born of that marriage. After the death of the said Moss Adair, the applicant's mother married one, Pleas Lawson, her present husband.

It appears that Moss Adair, father of this applicant, is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee; it further appears that this applicant was born in the year 1892, and is identified on the 1896 Census Roll of said Nation and that she has always resided with her mother in said Nation.

It is therefore the opinion of this Commission that Emma F. Adair should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902.

[illegible] Geo. F. Adair, Spillman, L. T.; John H. Gunter,

[illegible] G. H. and R. M. Faulkner, Sumner, L. T.

PD/1003

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D

Muskogee, IND. TER. Feb. 15, 1902.

Dear Sir:

A woman by the name of Mary Lawson, whose post-office is Tahlequah, I. T., has applied to the United States Commission for enrollment of her child Emma Frances Adair; she testified that she herself is a white woman and that she had been married to a man by the name of Mose Adair, who is now dead, and she said that he had been dear a little over eight years, this testimony was taken in December, 1900. She said that Mose Adair had been married before he was married to her, that Mose Adairs father was Rufus Adair, and his mothers name was Jennie Adair. We would like to know something about Mose Adair's former wife. Please make some inquiry and advise us who his former wife was, when he was married to her, and when they separated; whether she died before his marriage to this last woman, and if not if she is living. Please advise us if he had a divorce from his first wife when he married the last one. The last wife being a white woman the enrollment of this child depends upon the legal marriage of its parents.

Yours very truly,

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1005.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Mary Lawson for the enrollment of her minor child, Emma F. Adair, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 93.

"Dawson" D 1005

IN THE MATTER OF THE APPLICATION OF

Emma J. Adair

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

a Original testimony Dec 17/00

B Memo of application Dec 17/00

C Marriage certificate.

D Notice of final consideration, 3/14/02

Transferred to

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
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CHAIRMAN

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

In the matter of the application of Thomas J. Welch, Jr., for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Welch being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Thomas J. Welch, Jr.
Q How old are you? A I am 23 the 12th day of March.
Q What is your post office? A Moody.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Adopted.
Q Who do you want to enroll? A Myself and family.
Q What is the name of your wife? A Hester.
Q Is she a citizen by blood? A Yes, sir.
Q What was her name before you married her? A Morton.
Q How old is she? A She is 20.
Q What is her father's name? A Jack
Q Is he living? A Yes, sir.
Q What is her mother's name? A I do not know her mother's name.
Q Is she living? A No, sir, she is dead.
Q What is the name of your children? A Susie.
Q Susan is not it? A Yes, sir.
Q How old is Susan? A Three years old.
Q What is the name of the next child? A Jesse.
Q How old is Jesse? A Two years old.
Q Have you got any proof of birth as to these children? A No, sir.
Q You say you are a Cherokee citizen by blood? A I am adopted.
Q When were you married? A I was married along in '95.
Q Have you any certificate of marriage? A Yes, sir.
Com'r:--Applicant presents a marriage license duly authenticated and certificate of marriage certifying that on the 21st day of February, 1895, he was married to one Hettie Moton, whom he avers to be a Cherokee citizen by blood.
Q What was your father's name? A T. J.
Q What is your mother's name? A My mother is dead.
Q Your step-mother was Mary? A Yes, sir.
BY W. W. HASTINGS, Cherokee Representative:
Q Your father applied for you and Mary Welch and the rest of the family to the Dawes Commission in 1896, did not he? A I do not know whether he did or not.
Q What three children did your father have? A Jessie and Josie.
Q In 1896 what three children were living with him? A There ain't but the two living with him.
Q Don't you know that your name was in his application? A No, sir, I don't.
Q Didn't he never tell you so? A No, sir.
Q Didn't you never hear him talk about it? A I never heard him say my name was in it.
1896 Roll; page 1292, #307, Thomas Welch, Tahlequah. (With this note on the record: "Should be Thomas J. Welch.")
1896 Roll; page 1213, #2270, Hettie Moton, Tahlequah.
Com'r:--Applicant also presents a certificate issued from the Executive Office, Tahlequah, signed by B. W. Alberty, Asst. Executive Secretary, under the seal of the Cherokee Nation, certifying that the name of Hester Ann Morton is to be found on the Act of the Council approved December 31, 1891, in which $13.70 was appropriated for the party named , which Act contains the following provision: "Be it further enacted that the names of all persons appearing on the percapita rolls of this Act shall be placed on the Authenti-

cated roll of 1880 by the Principal Chief."
Q The marriage license that you present now certify that you were married to one Hettie Moton; is that the Hester Morton, whom you aver you married? A Yes, sir.
Q Is the Hester Ann Morton the identical person whom you claim to be your wife and whom you married February, 1895? A Yes, sir.
Q Is your father's name Thomas J. Welch? A Yes, sir.
Q Mary P. your step-mother? A Yes, sir.

Com'r Needles:--The name of Thomas J. Welch is found upon the census roll of 1896 and he present pro of of marriage, described in the testimony certifying that he married one Hettie Moton in the month of February, 1895, and he presents a certificate of Admission as to the Hettie Moton, more particularly described in the testimony. He avers he has two children by said marriage, Susan, three years of age, and Jesse, two years of age, but makes no satisfactory proof of their births. Upon examination of the records of this Commission it is found that on page 408, record B., case No. 5363, Thomas J. Welch, his father, Mary P. Welch, his step-mother and others appliedfor citizenshi p and that they were denied. The records in the hands of the Commission at this time are not complete sufficient to decide as to whether the applicant was included in the petition of his father and step-mother in said case or not; and further, the certificate of Admission that he presents as to his wife is not satisfactory to the Commission at this time; further, he presents no proof as to the birth of his two children, consequently final judgment as to the enrollment of Thomas J. Welch as an intermarried citizen and his wife, Hester, and her two children,as citizens by blood, will be suspended and their names will be placed upon a doubtful card, awaiting first, satisfactory proof as to whether or not the said Thomas J. Welch applied to the Dawes Commission in 1896 for enrollment; secondly, as to whether the proof as to the Admission of his wife, Hester, is sufficient; and third, as to the proof of birth of his two chi ldren:

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J. O. Rosson, being first du ly sworn, states that as stenographer to the Commission the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribedand sworn to before me this 10th day of January, 1901.

Commissi oner.

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FILED
DEC 17 1900
ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 17 1900 1900.

(23) Name Thomas J. Welch Jr Moody Ind Ter

District TAHLEQUAH. Year 1896 Page 1292 No. 307

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

DOUBTFUL.

License Certificate

(20) 2 Wife's name Hesler Welch

District TAHLEQUAH. Year 1896 Page 1213 No. 2270

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

3 Susan Welch	Dist.	Year	Page	No.	Age 3
4 Jesse "	Dist.	Year	Page	No.	Age 2 mo
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 on 1896 roll as Thomas Welch
2 " " " " Hettie Moton
3 and 4 Birth affidavits required.

This certifies that I did on the 21st day of February A.D. 1895, duly, and according to law, and the authority given me in the within license, solemnize the rite, and publish the banns of Matrimony between the parties herein named.

Witness my hand, this the 22nd day of Feb. A.D. 1895.

J. S. Lamar

Minister of the Gospel
M. E. C. South.

Witnesses { John Howell.
David Reniff.

I have this day made a record of the above on page 14, Book of Marriages

T. W. Lightfoot,
Ord. Gen. Ch.

FILED
DEC 17 1900

9001-C

This certifies that I did on the 21st day of February A.D. 1895, duly, and according to law, and the authority given me in the within licens, solmnize the rite, and publish the banns of Matrimony between the parties herein named.

Witness my hand, this the 22nd day of Feb. A.D. 1895.

J. S. Lamar

Minister of the Gospel
M. E. C. South.

Witnesses { John Howell.
David Reniff.

I have this day made a record of the above on page 14, Book of Marriages

G. W. Lipsey.
Clk G. W. Ch.

DEC 1 1900

9001-C

Tahlequah

Marriage License.

CHEROKEE NATION, Tahlequah DISTRICT.

TO ANY PERSON LEGALLY AUTHORIZED—GREETING:

You are hereby authorised to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of marriage between Mr Thomas J. Welch a citizen of the United States, and Miss Hannie Malone a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of office, this the 15th day of February 1895

T. Webster,

Clerk Tahlequah District

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A TING CHAIRMAN.

A1206

B. W. Albert

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 11 1901

ACTING CHAIRMAN.

Testimony taken before Commissioner Bruce Kingfisher, at Muskogee, Indian Territory, on the 9th day of January, 1901, in the matter of the application of Mary Ann Morton for citizenship in the Choctaw Nation.

Mary Ann Morton being duly sworn, testified as follows:

COMMISSIONER KINGFISHER: Your name is Mary Ann Morton?

A. Yes sir.

Q. What is your age?

A. I was born in 1844.

Q. Are you married?

A. Yes sir; my husband died.

Q. What was your husband's name?

A. Jack Morton.

Q. When did your husband die?

A. He died in 1896.

Q. Where was your husband from?

A. He was from Choctaw Nation.

Q. Was your husband a citizen of the Choctaw Nation?

A. Yes sir.

Q. Do you know whether your husband ever made application for citizenship in the Choctaw Nation?

A. I don't know.

Q. Do you know whether your husband ever made any application for his children?

A. I don't know.

Q. Do you know whether your husband ever made any application for himself

S U P P L E M E N T A L T E S T I M O N Y .

D 1006.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of Thomas J. Welch, Jr., for enrollment as a citizen of the Cherokee Nation:

CYNTHIA WHITTINGTON being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Cynthia Whittington.
Q What is your post office? A Oaks, I.T.
Q What is your age? A I am 78.
Q Do you know Thomas J. Welch? A Well I have not known him at all but very little, I have heard of him; I never got acquainted with him.
Q Until when? A This summer.
Q Do you know his wife, Hester? A Yes, sir, I know her to be my grand-child; I was at her birth and raised her.
EXAMINATION BY M. O. BHORMLEY, Attorney for Applicant:
Q What was her father's name? A Joel J. Morton.
Q Was he a Cherokee citizen? A Yes, sir, he was always counted that.
Q Are you? A I am; I have been put on the roll here as a Cherokee.
CROSS-EXAMINATION BY W. W. HASTINGS, Cherokee Representative:
Q What was Hester Welch nee Morton's mother's name? A Cindy Helms.
Q Was she a white woman or Cherokee? A White woman.
Q Was she and Joel Morton ever married? A Yes, sir.
Q Where? A In Missouri.
Q Were you present at their marriage? A No, sir, I was not; they come home the next day.
Q You were living in Missouri at the time? A Yes, sir.
Q Where was Hester born? A She was born in Missouri.
Q How old was she when she came to this country? A No, I am mistaken, she was born in Arkansas.
Q In what County? A Wright.
Q How old was Hester when she came to this country? A She has been here right on the line, I raised herm here in the Nation.
Q About what time did she come to the Nation; about how old was she? A About 2 or 3 or 4 years old.
Q Is her mother alive? A No, sir.
Q How long did she live after this child's birth? A About two years as well as I recollect.
Q Did she ever remove to the Cherokee Nation? A No, sir.
Q How long after her mother's death until you took her? A I tookk her when she first died; they fetched her to me and I raised her.
Q What became of her father? A He is here in the Nation.
Q When did he come to the Nation? A I do not recollect, he has been here a considerable time.
Q About how many years, Mrs. Whittington? A About ten years.
Q Is he a recognized citizen of the Cherokee Nation? A I identified him to be a Cherokee and put it in the Council.
Q And the Council never admitted him? A No, I identified him twice and they fetched it here to Tahlequah and never got any certificate, but he has got a certificate now he says.

Supl.-Thomas J.Welch,Jr.-#2.

CORNELIUS WHITTINGTON, being duly sworn and examined, testified as follows:

EXAMINATION BY COMMISSIONER NERDLES:

Q What is your name? A Cornelius Whittington.
Q What is your age? A 40.
Q What is your post office? A Oaks.

EXAMINATION BY M. O. GHORMLEY, Attorney for Applicant:

Q Are you acquainted with Hester Ann Morton? A Yes, sir.
Q What was her maiden name? A Her maiden name was Hester Ann Morton.
Q Who was her father? A Joel J. Morton.
Q What relation was he to this old lady--Mrs. Whittington? A He is her son.
Q Are you related to them? A Yes, sir.
Q What is it? A Me and Morton is Brothers.
Q Who is the mother? A Cynthia.
Q Do you know anything about their citizenship? A No, sir, I do not know anything about it/
Q Whether they are citizens or not? A They are some Cherokee, but whether they were readmitted or not I do not know.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings of the above named witnesses, and that the foregoing is a true and complete transcrip of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

notwithstanding the fact that the Commissioner
of the United States Civil Service Commission
has a right to be present at all times
and participate in the proceedings, I
have not availed myself of the privilege.

Commissioner.

C. H. Blackburn,

Commissioner.

Examined by Commissioner Foster.

Q. Have you been a member of the Civil Service Commission since its organization?

A. Yes sir.

Q. Do you collect information in the office concerning the political opinions of applicants?

A. No sir.

Q. Do you think it would be advisable for the Commission to do so?

A. No sir.

Q. Do you think it would be advisable for the Commission to do so?

A. No sir.

Q. Have you any information as to the political opinions of the Commissioners?

A. No sir.

Q. Have you any information as to the political opinions of the chief clerk?

A. No sir.

Q. Have you any information as to the political opinions of the examiners?

A. No sir.

Q. Have you any information as to the political opinions of the chief examiner?

A. No sir.

Q. Have you any information as to the political opinions of the assistant examiners?

A. No sir.

Q. Have you any information as to the political opinions of the clerks?

A. No sir.

Q. Have you any information as to the political opinions of the messenger?

A. No sir.

Examined by Commissioner Foster as follows:

Q. Have you been a member of the Civil Service Commission since its organization?

A. Yes sir, I have been since the first day of January, 1883.

Q. Have you been chairman of the Commission during that time?

A. Yes sir.

Q. Do you think it would be advisable for the Commission to have a chairman?

A. Yes sir.

Q. Do you think it would be advisable for the Commission to have a chairman who should be a political partisan?

A. Yes sir.

Q. Do you think it would be advisable for the Commission to have a chairman who should be a political partisan of the party in power?

A. Yes sir.

Q. Do you think it would be advisable for the Commission to have a chairman who should be a political partisan of the party in power, and

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF CIVIL SERVICE
WASHINGTON, D.C.

C D 1006

Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I. T. December 18th 1900.

In the matter of the application of Thomas J. Welch, Jr., and family.
SUPPLEMENTAL TESTIMONY.

Joel J. Morton called and sworn as a witness before Commissioner Needles, testified as follows:

Q What is your name? A Joel J. Morton.
Q What is your age? A 49
Q What is your post office address? A Westville.
Q Do you know Thomas J. Welch, Jr? A Yes sir.
Q What relation is he to you? A He married my daughter.
Q What was her name? A Hester J.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Were you married to her mother? A Yes sir.

By Cherokee representative W. W. Hastings:

Q Where were you married? A In Texas County, Missouri.
Q When did she come here? A Came here with me in 1886.
Q Has she lived here ever since? A Yes sir.
Q Is her mother dead? A Yes sir.
Q Did she die before or after you came here? A Died in Missouri.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
signed, Chas. von Weise.
Subscribed and sworn to before me this the 11th day of January 1901.
C. R. Breckinridge,
Commissioner.

I, the undersighed, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the original transcript.

Ella Mieling

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

ACTING CHAIRMAN

Entered of Files by me as assistant Commissioner to the Choctaw and Chickasaw Nations.

The attorney for the applicant in the above entitled case, one copy with the motion.

Comes now the applicant in the above entitled case, one copy with the motion.

Motion.

Before the Dawes Commission, sitting at Muskogee, Indian Territory.

In the matter of the application of Lorenzo Hutchinson, to be placed upon the roll of citizens of the Choctaw Nation.

I, Mr. Hutchinson, do hereby certify that as attorney for the applicant herein, I contended that the proceedings in the case, was not a true and correct record of the evidence taken in said case, and that the proceedings in the case, was not a true and correct record of the evidence taken in said case, and that the proceedings in the case, was not a true and correct record of the evidence taken in said case, and that the proceedings in the case, was not a true and correct record of the evidence taken in said case, and that the proceedings in the case, was not a true and correct record of the evidence taken in said case, and that the proceedings in the case, was not a true and correct record of the evidence taken in said case, and that the proceedings in the case, was not a true and correct record of the evidence taken in

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C. D-1006.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Thomas J. Welch, Jr., for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances:
N. A. Gibson, attorney for applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollmentof himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902.

The applicant this day, to-wit: the 14th day of March, 1902, appears in person and by his attorney, N. A. Gibson.

THOMAS J. WELCH, JR., being first duly sworn, and being examined testified as follows:

MR. GIBSON: Your name is Thomas J. Welch, Jr.? A Yes sir.
Q Are you the principal applicant in this case? A Yes sir.
Q You are the Thomas J. Welch named as the principal applicant in this application? A Yes sir.
Q What is your wife's name? A Hester N.
Q How long have you known her?
A Known her about a year before I married her.
Q Where is she living since you knew her?
A Lived in the Cherokee Nation.
Q State whether she is sometimes known as Hettie? A Yes sir.
Q Who was her father? A Jack Morton.
Q State whether he is living? A Yes sir.
Q State whether he is recognized as a Cherokee citizen?
A Claims to be.
Q Is her mother living? A No sir.
Q Where does her father live? A Cooweescoowee District.
Q Where did you live in the year 1896? A Lived in Tahlequah District.
Q State whether at that time you made any application to the Commission to the Five Civilized Tribes for enrollment?
A No sir, I didn't have to.
Q Your proof shows you were married to your present wife in February, 1895? A Yes sir.
Q Where were you married? A Tahlequah.
Q What are the names of your children? A Jessie and Susan.
Q How old? A One four years old the 2nd day of March, and the other one two years old this coming September.
Q Are they children of your wife Hester N. Morton? A Yes sir.
Q State whether or not your wife and children are living with you at this time? A Yes sir.
Q Where were these children born? A In Tahlequah District.
Q Cherokee Nation? A Yes sir.
Q Have you ever presented a certificate of the birth of these children? A. Yes sir.

MR. GIBSON: I desire to introduce in evidence a certified copy of the records of the Cherokee Nation, showing the General Appropriation Bill in 1891, and particularly insofar as the same provides for the payment of and the enrollment of Hester N. Morton.

BY COMMISSION: The document will be filed and made a part of the record.

The bill is as follows:

GENERAL APPROPRIATION BILL.

Be it enacted by the National Council:
That there be and is hereby appropriated the sum of Twenty Six Thousand Ninety Nine Dollars and two cents out of any money belonging to the General fund not otherwise appropriated to pay the following named persons the amounts placed opposite their respective names:

Per Capita Tahlequah District.

Per Capita 1891.

Ida Pann	$13.70

****

Per Capita Going Snake District.

Hester Ann Moten	$13.70

****

Be it further enacted:- That the Principal Chief be and he is hereby authorized to draw warrants according to the Provisions of this Act.

Passed the Senate December 21st, 1891.

Wm. McLa n, President of the Senate.

J. L. Thompson, Clerk Senate.

Concurredin by the Council with the following amendments:

Dec. 30th, 1891. Joe Cobb

W. G. Fields, Clerk of Council Speaker of Council Pro Tem.

Sarah Nelson,	$13.70

****

Be it further enacted:- That the names of all persons appearing on the Per capita rolls in the Act shall be placed on the authenticated Rolls of 1880 by the Principal Chief.

Amendments concurred in by the Senate Dec. 30th, 1891.

J. L. Thompson, Clerk of Senate. T. M. Buffington, President of Senate.

Approved this Dec. 31st, 1891.
Stephen Tehee, Asst. Acting Principal Chief.

Executive Office, Cherokee Nation.

Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy (except names) take from the record of the laws passed by the National Council and approved by the Principal Chief in the year 1891; that said record is filed in this office and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 10th of March, 1902.

(SEAL)

B. W. ALBERTY,
Assistant Executive Secretary,
Cherokee Nation.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
Mar. 14 1902.
Tams Bixby,
Acting Chairman.

The Cherokee Nation offers in evidence, on page 250 of the original Citizenship docket, 1884, of the Cherokee Nation, the following:

" 25. J. J. Morton. Application for Citizenship filed.
E. C. Boudinot, Jr. Attorney.
4th September, 1884.
Withdrawn September 15, 1884."

To the introduction of which the attorney for the applicant objects for the reason that it has not been shown that the book from which this statement is read is the official record of the Cherokee Nation; and for the further reason that it has not been shown that J. J. Morton is in any way connected with the parties making the application in this case; and for the further reason that the entry read therein, even if properly approved , would not in any way tend to prove or disprove the matters in issue in this case.

MR. HASTINGS: I desire that the Commission make a statement with reference to the record, whether or not it is the original record, and how it was obtained.

BY COMMISSION: The record referred to was obtained by the Commission while at Tahlequah, Indian Territory, during the month of November, 1900, the same having been obtained from the Executive Secretary of the Cherokee Nation at the request of the Commission.

The attorney for the applicant and representative of the Cherokee Nation present submit the case, and same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted fifteen days in which to file brief in this case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that theforegoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 1 1902

R.

C. D-1046.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Mary P. Welch for the enrollment of herself as a citizen of the Cherokee nation.

Appearances:
N. A. Gibson, attorney for applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 27, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 15th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit; the 14th day of March, 1902, appears by her attorney, N. A. Gibson.

By agreement the case is taken up for final consideration.

BY COMMISSION OF MR. GIBSON: Do you desire to make any statement relative to the case

MR. GIBSON: I desire to introduce no testimony, but desire to make this statement, that the records of the Commission show that this party, Mary Welch, was living with Thomas J. Welch as his wife in 1896, and having been admitted to citizenship in the Cherokee nation at that time by this Commission, with all the facts in the case before them, that that judgment of the Commission has become final, and not now subject to review, and Mary Welch should be enrolled.

I desire further to state calling the attention of the Commission to the fact that the records in this investigation in this case show that Thomas J. Welch was never legally married to Mary Welch, and that consequently the said Mary Welch cannot be said to have forfeited her rights by marrying a man not a citizen of the Cherokee nation..

MR. HASTINGS: The representative of the Cherokee nation contends that inasmuch as Mary P. Welch was admitted to citizenship by intermarriage in 1896, that she was upon that date a citizen by intermarriage, and it being admitted in the testimony that since that time she has lived with Thomas J. Welch, a white man and not a citizen of the Cherokee Nation, as her husband, they recognized each other as husband and wife since 1896. That under Section 666 of the compiled Laws of the Cherokee Nation, that she has forfeited her rights to citizenship in the Cherokee Nation by adoption.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision upon the evidence now of record.

The attorney for the applicant requests and will be granted fifteen days in which to file brief in this case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 29 1902
ACTING CHAIRMAN

Cher-C-1006.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 21, 1902.

In the matter of the application of Thomas L. Welch, Jr., for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of his wife Ina, and his children Susan and Jesse as citizens by blood of the Cherokee nation.

Thomas L. Welch, Jr., being first duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Thomas L. Welch, Jr.
Q How old are you? A 25 years.
Q What is your postoffice address? A Muskogee, I. T.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee by intermarriage? A Yes sir.
Q What is your father's name? A Hester.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has your wife been living in the Cherokee nation? A Ever since I don't know exactly how long, she has been living in the Cherokee nation. I didn't know her long when I married her.
Q When were you married to her? A February, 1899.
Q Was you married to her under Cherokee marriage license? A Yes.
Q You don't know how long she had lived in the Cherokee nation before that, do you? A No sir.
Q Was he her first husband? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you had your wife enrolled in the Cherokee nation ever before? A No sir.
Q Never lived anywhere else? A No sir.
Q Been living together ever since? A Yes sir.
Q And are living together now? A Yes sir.
Q How many children have you by your wife? A Three.
Q Susan, is that one of them? A Yes sir.
Q And Jessie? A Yes sir.
Q What is the next one? A Thomas.
Q When was that child born? A Don't remember.
Q Last month? A Yes sir.
Q What was your wife's name, maiden name? A Ina [illegible]
Q Know her father's name? A Yes sir.
Q What is his name? A Jack Hester.
Q Is he a Cherokee Indian? A Yes sir.
Q How long have you been living in the Cherokee nation? A Ever since I have known his wife, seven years.
Q How long did you know your wife before you married her? A About [illegible] years.
Q Was she a recognized Cherokee? A Yes sir, I think she was [illegible]

Examination by Inspector Wright for applicant:

Q Was your wife a non-resident of the Cherokee nation? A I don't know.
Q You don't know her [illegible] No.
Q Was it [illegible] A No, I don't think so; I don't know [illegible]

Francis R. Lane, upon oath states that he is stenographer to the Commission to the Five Civilized Tribes and correctly recorded the testimony in the above entitled cause; that he is [illegible] of Oklahoma, and that the foregoing is an accurate transcript of the testimony in said cause taken thereof.

Subscribed and sworn to before me this October 21st, 1902.

Notary Public.

Cher-D-1006.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 21, 1902.

In the matter of the application of Thomas J. Welch, Jr., for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of his wife Hester, and his children Susan and Jesse as citizens by blood of the Cherokee nation.

Thomas J. Welch, Jr., being first duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Thomas J. Welch, Jr.
Q How old are you? A 25 years.
Q What is your postoffice address? A Moodys, I. T.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee by intermarriage?
A Yes sir.
Q What is your wife's name? A Hester.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has your wife been living in the Cherokee nation? A Born--I don't know exactly how long she has been living in the Cherokee nation; I hadn't known her long when I married her.
Q When were you married to her? A February, 1895.
Q Was you married to her under a Cherokee marriage license? A Yes.
Q You don't know how long she had lived in the Cherokee nation before that, do you? A No sir.
Q Was Hester your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and your wife been living in the Cherokee nation ever since you were married? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Been living together all that time? A Yes sir.
Q And are living together now? A Yes sir.
Q How many children have you by your wife Hester? A Three.
Q Susan, is that one of them? A Yes sir.
Q And Jesse? A Yes sir.
Q What is the next one? A Thomas J.
Q When was that child born? A About September 29th.
Q Last month? A Yes sir.
Q What was your wife's mother's name, do you know? A No, I don't know.
Q Know her father's name? A Yes sir.
Q What is his name? A Jack Morton.
Q Is he a Cherokee Indian by blood? A Yes sir.
Q Do you know how long he has been living in the Cherokee nation? A No, I have known him about seven years.
Q How long had you known your wife before you married her? A About a year.
Q Was she a recognized Cherokee citizen? A She was at that time, yes.

Examination by Jushua Rose, Attorney for applicant:
Q Was your wife a non-resident of the Cherokee nation? A I don't know.
Q You don't know her mother's name? A No.
Q Was it Laura? A No, I don't think so; I don't know her name.

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Frances R. Lane, upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause on the 21st day of October, 1902, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 28th, 1902.

B C Jones
Notary Public.

WILLIAM PENN.

Philadelphia, December, 1808.

Superintendent Mr Bedinger to present me with the 80th day of Pa to express me

Cherokee D-1006.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 25, 1902.

In the matter of the application of Thomas J. Welch Jr. for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Hester, and his three minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Thomas J. Welch Jr.
Q How old are you, Mr. Welch? A I will be twenty-six years old the twelfth of this coming month.
Q What is your postoffice address? A Moodys, Indian Territory.
Q You are an applicant for enrollment as an intermarried citizen are you? A Yes sir.
Q What is your wife's name? A Her given name is Hettie Welch.
Q Is her right name Hester or Hettie? A Why when I married I called her Hettie, some call her Hester Moten.
Q Now, Mr. Welch, how many children have you and your wife, Hettie? A Three.
Q What is the oldest child's name? A Susie.
Q How old is that child? A She will be four years old the 2nd day of March I think, next March.
Q What is the next one after her? A Jesse.
Q How old is Jesse? A He is two years old, was two years old the first.
Q What is the next child's name? A Why Thomas J.
Q Thomas J. Welch? A Yes sir.
Q Named after you? A Yes sir.
Q How old is Thomas J. Welch? A He was born the 30th of August.
Q Thirtieth of August, 1902? A Yes sir.
Q When you appeared before the Commission on ~~August~~ October 21, 1902, you swore that Thomas J. Welch was born on the 29th day of September? A Well, I made a mistake.
Q You made a mistake at that time? A Yes sir, I was bothered and made a mistake in it.
Q You made a mistake? A Yes sir.
Q Well now, what is the correct date of that child's birth, the 29th day of September, 1902, or the 30th day of August, 1902? A The 30th day of August.
Q You are sure about that, Mr. Welch, are you that it is August and not September? A Yes sir, August.
Q Were you present when your wife made this affidavit swearing to the birth of this child before J. F. Carroll, a Notary Public? A Yes sir.
Q You were present when she made that affidavit? A Yes sir.
Q Who filled out that affidavit? A Carroll.
Q Carroll himself? A Yes sir.
Q Who give him the date to put down in that affidavit, you or your wife? A I don't recollect whether it was me or my wife.
Q Where was that affidavit made out, at your home or where? A At my house.
Q At your house? A Yes sir..
Q Can your wife write? A No sir.
Q She cannot write? A No sir.
Q Where did Mr. Carroll live, how far did he live from you? A Six.
Q Six miles? A Yes sir, Oaks.

Q He lives at the town of Oaks? A Yes sir, just a little place.
Q Did you go to town and get him to go down and take your wife's affidavit? AI was sick in bed and sent my father.
Q You were sick and not able to go? A Yes sir.
Q Was your wife able to go at that time? A No, she was just getting up.
Q She had not been around any since the birth of the child? A She had not been around any.
Q How long had she been up after the child was born when she made that affidavit? A I disremember.
Q About how long? I don't care about the exact date - do you know whether it had been a month, a week or how long? A It was several days after.
Q After she had been up several days, is what you mean, before she made this affidavit? A Yes sir.
Q Had she been up as much as a week when she made this affidavit do you think? A Yes sir, I know she had.
Q Well now, how did you happen to send for Mr. Carroll to come out there at that particular time? A That particular time?
Q Yes. A I just sent for him.
Q Did you sne for him just to come and make out this affidavit? A No, I was sick and he is a doctor.
Q Was he doctoring you at that time? A Yes sir.
Q And did he come to see you, and while he was there calling on you professionally that you had him make out this affidavit? A I sent him word to bring his blanks with him.
Q The next time he come to see you? A Yes sir, the next time he come to see me.
Q Well now, how do you fix, Mr. Welch, the date of the birth of this child, how do you fix it in your mind - what do you have to go by? A Well, I just recollect it was on the 30th of August.
Q You have no particular way of fixing the time ; did you keep a record of it at home, take it down in your family bible? A I generally fix the date of the month.
Q What do you keep your dates in? A I don't say keep no dates of t he month, but I have an almanac.
Q Mark it on the almanac. Did you do so in this case? A No, I never marked it on the almanac.
Q What did you mark it on? A I just looked at the almanac.
Q Were you looking at the almanac on the 30th when this child was born? A Yes sir.
Q Did you put it down? A No sir.
Q Put the date down anywhere so you would not forget what date it w as born? A No sir.
Q You didn't mark it on the almanac did you? A No sir.
Q Now, you knew, Mr. Welch, when this affidavit was made out that if this child was born after the first day of September it could not be enrolled? A I know it could not after September, after the f irst day of September it could not be enrolled.
Q Now, do you want to be understood at this time that this child was born on the 30th day of August, 1902, and that when you was here before the Commission on the 21st day of October, 1902, and testified that the child was born about September 29th that you made a mistake at that time? A Yes sir.
Q You swear to that positively do you? A Yes sir, I made a mistake.
By Mr. Starr: Who was present when this child was born? A Why Mrs. Mateer.
Q Who else? A J. P. Welch.
Q What is Mateer's given name? A I disremember.

S-Thomas Welch Jr. et al.

Q Who else was there? A Maggie Young.
Q Who else? A A woman by the name of Cox.
Q What is her first name? A Martha,- Martha Cox.
Q Was anyone else there? A No sir, I believe not.
Q Was Dr. Carroll there? A No sir.
Q He had been attending you right along before that? A He was doctoring me.
Q How long had he been doctoring you? A He just come to see me while I was sick.
Q Had he been there before this child was born? A Yes sir.
Q How long before? A It must have been a month or so.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E G Rothenberger.

Subscribed and sworn to before me this 20th day of December, 1902.

B O Jones
Notary Public.

D.1006

20

IN RE

Application for Enrollment of

INFANT CHILD

Susan Welch

as a citizen of

CHEROKEE Nation.

Approved, JAN 11 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 11 1901

ACTING CHAIRMAN

Card D 1006

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Susan Welch (Here insert name of child), born on the 2nd day of March, 1898
Name of Father: Thomas J. Welch Jr., a citizen of the Cherokee Nation.
Name of Mother: Hester Welch, a citizen of the Cherokee Nation.
Post-office, Moody, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Hester Welch, on oath state that I am 21 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Thomas J. Welch, who is a citizen, by adoption, of the Cherokee Nation, that a Female (male or female) child was born to me on the 2nd day of March, 1898; that said child has been named Susan Welch, and is now living.

Hester her x mark Welch

WITNESSES TO MARK (Must be Two Witnesses)
L. F. Carroll
Charley Welch

Subscribed and sworn to before me this 1st *day of* Jan., 1901.

J. T. Carroll
NOTARY PUBLIC.
my Commission Expires Apr. 14 1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Mary P. Welch, a midwife, on oath state that I attended on Mrs. Hester Welch, wife of Thomas J. Welch on the 2nd day of March, 1898, that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Susan Welch.

Mary P. Welch

WITNESSES TO MARK: (Must be Two Witnesses)

Subscribed and sworn to before me this 1st *day of* Jan., 1901.

J. T. Carroll
NOTARY PUBLIC.
my Commission Expires Apr. 14 1904

D.750

IN RE

Application for Enrollment of

INFANT CHILD

Jesse Welch

as a citizen of

CHEROKEE Nation.

Approved, JAN 11 1901 190

Commissioner.

ENT OF THE INT
ION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 11 1901

ACTING CHAIRMAN.

Card D 1006.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Jesse Welch, born on the 17 day of Sept, 1900
(Here insert name of child)
Name of Father: Thomas J. Welch Jr., a citizen of the Cherokee Nation.
Name of Mother: Hester Welch, a citizen of the Cherokee Nation.
Post-office, Moody, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Hester Welch, on oath state that I am 21 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Thomas J. Welch, who is a citizen, by adoption, of the Cherokee Nation, that a male (male or female) child was born to me on the 17th day of Sept, 1900; that said child has been named Jesse Welch, and is now living.

Hester her x mark Welch

WITNESSES TO MARK
(Must be Two Witnesses)
L. T. Carroll
Charley Wolfe

Subscribed and sworn to before me this 1st day of Jan, 1901.

J. T. Carroll
NOTARY PUBLIC
my commission ex apr. 14 1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Mary Shan, a Midwife, on oath state that I attended on Mrs. Hester Welch, wife of Thomas J. Welch on the 17th day of Sept, 1900; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Jesse Welch

Mary her x mark Shan

WITNESSES TO MARK:
(Must be Two Witnesses)
Chas Wolfe
L. T. Carroll

Subscribed and sworn to before me this 1st day of Jan, 1901.

J. T. Carroll
NOTARY PUBLIC.
my commission ex apr. 14 1904

20 D 1006

IN RE

Application for Enrollment of

INFANT CHILD

Thomas J Wilch

as a citizen of

Cherokee Nation.

Approved Oct 31 1902

C. R. Breckinridge

Commissioner.

10/10/02 Held pending decision.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 31 1902

20 D 1006

IN RE

Application for Enrollment of

INFANT CHILD

Thomas J Wilch

as a citizen of

Cherokee Nation.

Approved Oct 31 1902

C. R. Breckinridge

Commissioner.

10/10/02 Held pending decision

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 31 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Thomas J. Welch, born on the 30 day of August, 1902
(Here insert name of child.)
Name of Father: Thomas J. Welch Jr. a citizen of the Cherokee Nation.
Name of Mother: Hester A. Welch a citizen of the Cherokee Nation.
Post-office Woodys, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, Hester A. Welch, on oath state that I am 22 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Thomas J. Welch Jr., who is a citizen, by adoption, of the Cherokee Nation; that a male (male or female.) child was born to me on 30 day of Aug, 1902, that said child has been named Thomas J. Welch, and is now living.

Hester A. Welch
her mark

WITNESSES TO MARK:
(Must be Two Witnesses)
T. J. Welch
Maggie Young

Subscribed and sworn to before me this 29 *day of* Sept, 1902.

J. T. Carroll
NOTARY PUBLIC

my com. ex. apr. 14 1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District,

I, Mary P. Welch, a Midwife, on oath state that I attended on Mrs. Hester A. Welch, wife of Thomas J. Welch Jr. on the 30 day of Aug, 1902, that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Thomas J. Welch.

Mary P. Welch

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this 29 *day of* Sept 1902

J. T. Carroll
NOTARY PUBLIC

my com. ex. apr. 14 1904

Cherokee D #1006

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Welch, Jr., for the enrollment of himself, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Hester Welch, and minor children, Susan Welch, Jesse Welch and Thomas J. Welch, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on December 17, 1900, Thomas J. Welch, Jr., appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Hester Welch, and minor children, Susan Welch and Jesse Welch, as citizens by blood of the Cherokee Nation. On October 31, 1902, a birth affidavit was filed with the Commission showing the birth of Thomas J. Welch on August 30, 1902. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 18, 1900, and at Muskogee, Indian Territory, on March 14, October 21 and November 25, 1902.

The evidence shows that on February 21, 1895, the said Thomas J. Welch, Jr., was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to the said Hester Welch (nee Morton), a citizen by blood of the Cherokee Nation, who was also known by the names of Hettie Morton and Hester Ann Morton.

There is on file with this Commission a duly authenticated certificate issued from the executive office of the Cherokee Nation to the effect that the name of "Hester Ann Moten" is found in an act of the National Council of said nation, approved December 31, 1891, and in which there is appropriated to her the sum of $13.70. Said act contains the further provision:

> "That the names of all persons appearing on the percapita rolls in this Act shall be placed on the authenticated rolls of 1880 by the Principal Chief."

The said Hester Welch is identified on the 1894 Strip payment roll of the Cherokee Nation under her maiden name, Hester A. Morton. The said Thomas J. Welch, Jr., is identified on the 1896 census roll of said nation, with this note on the record: "Should be Thomas J. Welch"; and the said Hester Welch is also identified thereon by the name of Hettie Meton.

It appears from the records of this Commission that, in 1896, Thomas J. Welch, father of the applicant, Thomas J. Welch, Jr., together with Mary P. Welch, step mother of the said Thomas J. Welch, Jr., and certain children, made application to this Commission for admission to citizenship under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), which application was denied by the Commission as to all the applicants therein named except Mary P. Welch; but none of the applicants in this case were included in said application made in 1896.

Ch. D #1006

The evidence further shows that the said children herein applied for are too young to appear on any of the tribal rolls of said nation but are duly identified by birth affidavits made a part of the record herein and, being minors, it is considered that their residence is the same as that of their parents.

The evidence further shows that the said Hester Welch removed to the Cherokee Nation in 1886 and has resided therein continuously since that time; and that since her marriage, in 1895, to the applicant, Thomas J. Welch, Jr., she and the said Thomas J. Welch, Jr., have lived together as husband and wife in said nation up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Thomas J. Welch, Jr., should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Hester Welch, Susan Welch, Jesse Welch and Thomas J. Welch should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this MAR - 2 1903

Cherokee D. 1006.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Welch, Jr., et al., for enrollment as citizens of the Cherokee Nation.

O R D E R,

Now on this 9th day of March, 1903, the Commission having considered the application and request of the Cherokee Nation for an extension of time from fifteen days to ninety days in which to file a protest in this case, and it appearing from the records of the Commission that a decision in this case was rendered by the Commission on the 2nd day of March, 1903,

It is, therefore, ordered by the Commission that the Cherokee Nation be allowed ninety days from the said 2nd day of March, 1903, in which to file a protest in this case, and that the usual time of fifteen days in which to file a protest in applications for citizenship be, and the same is, hereby extended in this case from fifteen days to ninety days.

Done at Muskogee, Indian Territory, this 9th day of March, 1903.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[redacted]

[redacted]

[redacted]

[redacted]

Personally appeared before me the undersigned Clark Collins, who, after being first duly sworn, states that his post-office is Muskogee, Indian Territory; that he is thirty-seven (37) years of age; that he is a Cherokee Indian by blood; that he is the eldest son of Mary P. Walch and Ira J. Collins; that Ira J. Collins' full name was Ira Jackson Collins; that Ira J. known as Jackson Collins; that Mary P. Walch's name in full was Mary Parker Walch; that her name is not Mary Polly Walch; that she never went by the name of Polly, but always went by the name of Mary, although her middle name was Parker; that affiant as above stated, was the eldest child of Ira J. Collins, the former husband of Mary P. Walch; that his father was known by the name of Jack Collins; that his father was a Cherokee Indian by blood, and was not a white man; that Mary P. Walch had the following children by Ira Jackson Collins, beginning with the eldest, to-wit:

Clark Collins,
Susie Collins,
Henry Collins (now deceased),
Lizzie Collins,
Frank Collins,
Willie Collins,

and that the said Mary P. Walch never had a child by the name of

Chas Quinton,
Kate Collins,
G. Collins, or
Sarah Collins.

Affiant further states that he never heard of his father and mother, with the members of their family, being admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved December 28, 1875, and that the Polly Collins mentioned in an Act of the National Council approved as of that date could not be affiant's mother, because in the first place his mother was never known by the name of Polly, and in the second place his father's name was Ira Jackson Collins, and in the third place the names of none of the children of Ira Jackson Collins and Mary Parker Walch correspond with the names of the said Polly Collins admitted in said Act of the National Council; and further that affiant's father was not a white man, but a Cherokee Indian by blood, through whom affiant acquired his rights of citizenship.

Clark L. Collins

Subscribed and sworn to before me on this 8th day of October, 1906.

Notary Public.

(My Commission expires May 1st., 1907)

Cherokee D-1006.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hester, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 17, 1900, Thomas J. Welch, Jr., appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Hester Welch, and minor children, Susan and Jesse Welch, as citizens by blood of the Cherokee Nation. The application for the enrollment of said Thomas J. Welch Jr., is not passed upon at this time, nor is he embraced in this decision. On October 31, 1902, a birth affidavit was filed with the Commission showing the birth of Thomas J. Welch on August 30, 1902. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 18, 1900, and at Muskogee, Indian Territory, on March 14, October 21 and November 25, 1902.

The evidence shows that on February 21, 1895, the said Hester Welch (nee Morton), a citizen by blood of the Cherokee Nation, was married to Thomas J. Welch, Jr., and as a result of that marriage the minor applicants herein were born.

There is on file with this Commission a duly authenticated certificate issued from the executive office of the Cherokee Nation, to the effect that the name of "Hester Ann Moten" is found in an act of the National Council of said nation, approved December 31, 1891, and in which there is appropriated to her the sum of $13.70. Said act contains the further provision:

"That the names of all persons appearing on the percapita rolls in this Act shall be placed on the authenticated rolls of 1880 by the Principal Chief."

The said Hester Welch is identified on the 1894 strip payment roll of the Cherokee Nation under her maiden name, Hester A. Morton. The evidence further shows that the children herein ap-

plied for are too young to appear on any of the tribal rolls of said nation, but are duly identified by birth affidavits made a part of the record herein and, being minors, it is considered that their residence is the same as that of their parents.

The evidence further shows that the said Hester Welch removed to the Cherokee Nation in 1886 and has resided therein continuously since that time.

It is, therefore, the opinion of this Commission that Hester Welch, Susan Welch, Jesse Welch and Thomas J. Welch should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 6 190

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pideock	1517
Silas A Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J Flying	2172
Thomas J Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C Pennel	2271
Matilda S Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H Boone	4662
Thomas C Mock	4668
Sallie Allison	4669
Elizabeth E Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F Smith	4689
Rufus S Steward	4691
John I Haddock	4694
Maggie O Walkley	4695
George W Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E Hill	4760
Alice A Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Ratthuggourd	4991
Ida McCay	5093
Henry M Lyon	5100
Alice J Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E Downing	5518
Samantha C Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Daisey H Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J Strange	5610
Henry Westenhaver	5611
Emma H Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brook	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F Woodworth	5829

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hanks	7147
Otto J. Zufall	7149
Rufus M. Norman	7155
Mary F. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Priscilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Stuart	D	2612
Rufus Tidmore	D	2613
Jasper Turpatt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Dixie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P Ables	D	3048
Almedie Ross	D	3052
John S. J Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: C. D. 1006

Muskogee, I. T., Jan. 28, 1902.

Mr. B. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please send us a certified copy of the Act of the National Council approved December 31st, 1901, making an appropriation for persons among whom, appears the name of Nester Ann Moten for $13.70 each. This act contains among other things the following provision:- "Be it further enacted; that the names of all persons appearing upon the per capita rolls in this act shall be placed upon the authenticated roll of 1880 by the Principal Chief.

Please send us a very careful copy of the entire act duly certified.

Yours truly,

9

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 28 1902

Cherokee B-1006

Muskogee, Indian Territory, November 13, 1902.

Thomas J. Welch, Jr.,

Moodys, Indian Territory.

Sir:-

You are hereby notified that further testimony, as to the rights of yourself and family to be enrolled as citizens of the Cherokee Nation, is required by the Commission.

You will be allowed 15 days from the date of this letter, within which to appear before the Commission at its office at Muskogee, Indian Territory, and give this testimony.

Respectfully,

Acting Chairman.

[illegible]

[illegible]

[illegible]

[illegible] friend will
[illegible] to [illegible] enquire
a[illegible] the health of the
[illegible] child of Mr [illegible]
[illegible] I will say that [illegible] and
[illegible] Sergeant [illegible] and [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
the exact date of [illegible]
[illegible] day it was [illegible]
the [illegible] [illegible] last.
And the [illegible] [illegible]
[illegible] [illegible] but [illegible]
[illegible] remember the
date of the [illegible]

[illegible]
[illegible]
[illegible]

[illegible]

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1006

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Thomas J. Welch Jr., for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Hester, and his minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. M-7167

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BREWER
W. T. STANLEY
ALLISON T. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D 1006.

Muskogee, Indian Territory, March 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 5, 1903, asking that the fifteen days allowed you for protest against the decision of the Commission rendered in Cherokee doubtful case, D 1006, Thomas J. Welch, et al., be extended to ninety days in order that you may investigate the right to enrollment of Thomas J. Welch, Jr., a child of the principal applicant in this case. You state that you have information to the effect that this child was born subsequent to September 1, 1902, and is therefore not entitled to enrollment as a citizen of the Cherokee Nation.

In accordance with your request, there is herewith enclosed to you a copy of an order of the Commission to the Five Civilized Tribes, dated at Muskogee, Indian Territory, March 9, 1903, giving you ninety days from March 2, 1903, in which to file such protest as you may desire to make against the action of the Commission in this case.

Respectfully,

Chairman.

Enclosure H. No. 15.

COMMISSIONERS
TAMS BIXBY
THOMAS B NEEDLES,
C R BRECKINRIDGE,
W E STANLEY

ALLISON L AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER REPLY TO THE FOLLOWING

Cherokee D-1006

Muskogee, Indian Territory, January 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Thomas J. Welch, Jr., for the enrollment of his wife, Hester Welch, and his three minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. D-17.

D1006 INDEXED

COMMISSION TO FIVE TRIBES.
No. 1400
Received JAN 15 1904
Am Book Fred Page

Murchison, Kenneth S.,
Tahlequah, I.T.
Jan. 14, 1904.

Wants copy of record of testimony in case of Mrs. Hester Welch and children.

1118

KENNETH S. MURCHISON. FRANK J. BOUDINOT.

MURCHISON & BOUDINOT,
ATTORNEYS AT LAW,
TAHLEQUAH, IND. TER.

January 14, 1904.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

Referring to the letter of Murchison & Boudinot, dated December 30, 1903, entering the appearance of the Firm on behalf of Mrs Hester Welch and her children, claimants for enrollment as citizens of the Cherokee Nation by blood, I have to say that since the date of that letter, Mr. Boudinot and I have dissolved partnership, and that while we have not come to any agreement about the division of suits already in the Firm, still it has been agreed that I shall personally carry on our litigation.

I, therefore, in reply to the Commission's letter of January 13, 1904, received today, have to request that the Commission will note my appearance individually for Mrs Hester Welch and her children, and as soon as practicable will furnish me with a copy of the record of the testimony in these cases.

Very respectfully,

IBA.

Kenneth S. Murchison

F D 1006

Muskogee, I. T., January 18, 1904.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in Cherokee D 1006, Thomas J. Welch, Jr., et al.-

Kenneth S. Murchison
Attorney for applicants.

Cherokee D 1006

Muskogee, Indian Territory, January 18, 1904.

Kenneth S. Murchison,

Attorney for Thomas J. Welch, Jr., et al.,

Tahlequah, Indian Territory.

Dear Sir:

In accordance with your request of January 14, there is herewith inclosed a copy of the testimony in Cherokee D 1006, Thomas J. Welch, Jr., et al., together with a blank form of receipt for same, which you are requested to sign and return to the Commission.

Respectfully,

Encl. V-39

Commissioner in Charge.

Cherokee D-1006.

Muskogee, Indian Territory, January 25, 1904.

Thomas J. Welch, Jr.,

Moody, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting your application for the enrollment of your wife, Hester Welch, and your three minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-10.

Cherokee D-1006.

Muskogee, Indian Territory, January 25, 1904.

Kenneth S. Murchison,

Attorney for Thomas J. Welch, Jr., et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Thomas J. Welch, Jr., for the enrollment of his wife, Hester Welch, and his three minor children, Susan, Jesse and Thomas J. Welch, as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-11.

Cher. D 1006

Muskogee, Indian Territory, January 10, 1907.

Thomas J. Welch, Jr.,
Moody, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D1006

Muskogee, Indian Territory, March 14, 1907.

Thomas J. Welch,

Moody, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

RPI

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Mrs. Martha Cay
Whitmire, S.C.

[illegible]

EXECUTIVE DEPARTMENT

CHEROKEE NATION.

TAHLEQUAH, IND. TER.

Cherokee Marriage License and Certificate

Issued by

Issuer Which

EXECUTIVE DEPARTMENT

CHEROKEE NATION.

TAHLEQUAH, IND. TER.

Cher D 1007

Cher D 1007

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 17 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Grant Beaver for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:through interpreter, Simon Walkingstick)

Q Give me your full name? A Grant Beaver.
Q How old are you? A Thirty.
Q What is your Postoffice? A Peggs.
Q In what district do you live? A Tahlequah District.
Q Who is it you want to have enrolled; yourself and family?
A Yes sir; myself, wife and children.
Q How many children have you? A Five.
Q Are you a full blood Cherokee? A Yes sir.
Q Is your wife a full blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Beaver Belt.
Q Is he dead? A He is dead; yes sir.
Q Give me the name of your mother? A Pellie Beaver.
Q Is she dead? A She's living.
Q Give me the name of your wife? A Katie Beaver.
Q How old is she? A Thirty one.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q When did you marry her? A Three years: Been married three years.
Q Give me the name of her father? A Wild is all I remember.
Q Is he dead? A Yes sir.
Q Give me the name of her mother? A I do not know; she's not living.
Q What was your wife's name in 1880, when she was a child?
A I do not know: I never heard it.
Q Give me the names of these children? A William Beaver.
Q How old is that child? A Twelve years old.
Q Next child? A James Beaver.
Q How old is that child? A Seven years old.
Q Next child? A Cahlate Beaver.
Q How old is she? A Four years old.
Q Next child? A Jennie Beaver.
Q How old is that child? A Five years old.
Q The next child? A Walter.
Q How old is that child? A Born last October.
Q Are these children all living now? A Yes sir.
Q How many of these children are by this wife?
A They are all by her.
Q And married only three years ago? A No sir., the first three are by my wife by a former husband, but she told me to give in their names as Beaver: They are my step children.
Q Cahlate; is she by this wife? A No sir, she is my step child.
Q How many children have you by this wife? A Jennie's mother is still another woman, by me; I was living with another woman some seven years ago.

(1880 Roll, Page 736, #144, Grant Beaver, Tahlequah District)

George Reach, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give your name? A George Reach (Cherokee Witness)
Q Do you know anything about this man's wife, Katie?
A No sir; I know him though.
Q Do you know what her name was in 1880? A No sir, I can not tell you; I know this fellow , and his father.

APPLICANT RECALLED:
Q What are the names of these children your wife told you to have

put down as Beaver? A Their surname was Coffy I think.

(1896 Roll, Page 978, #88, Grant Beaver, Saline District)

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and five children: He is identified on the rolls of 1880 and 1896 as a native Cherokee: He has lived in the Cherokee Nation all his life: No information whatever can be obtained in regard to his wife, or any of the children, except he states that his wife is a full blood Cherokee, and has lived in the Cherokee Nation all her life: There is no name by which we can identify her or any of the children on any roll. It is believed that the applicant can procure information that will lead to the enrollment of his wife and family: Therefore, for the sake of convenience, while there is no question as to his right to enrollment, he will be enrolled as a Cherokee by blood, with his wife and five children named in the testimony, upon a doubtful card, and he is desired to secure some information by which we can identify his wife and the children upon some roll.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Drennen

Subscribed and sworn to before me this 11th day of January, 1901.

C R Breckinridge

COMMISSIONER.

D1003

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

Acting Chairman

R.

C. D-1007.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Grant Beaver for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission atits offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemedthat his case is completed, and same will reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recordedthe proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 28 1902

Commission: This testimony will be filed as supplemental to the record heretofore taken, in the matter of the application for the enrollment of Grant Beaver, et al., Cherokee D - 1007.

(Further proceedings, July 28, 1902.)

Supplemental statement by the Commission:

Upon an examination of the 1880 authenticated roll of citizens of the Cherokee Nation, the applicant, Katie Beaver, is identified thereon, as follows: page 750, #806, Tahlequah District, as Katy Cooper, native Cherokee, 14 years of age.

...

I, A. P. Grover, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

A P Grover

Sworn to and subscribed before me this 28th day of July, 1902.

Notary Public.

1007 D

Department of the Interior,
Commission to the Five Civilized Tribes,
Reno, Indian Territory, June 12, 1902.

Supplemental proceedings in the matter of the application for the enrollment of Grant Beaver, et al., as citizens, by blood, of the Cherokee Nation:

Nancy Beaver, appearing before the Commission, and being duly sworn and examined, testified, through Sam Foreman, regularly sworn interpreter, as follows:

Q What is your name? A Nancy Beaver; Nancy in English, Katie in Cherokee.
Q Do you wish to go by the name of Katie? A Yes, sir; I generally go by that name.
Q What is your age? A Don't hardly know how old I am.
Q Are you about 41? A I suppose so; I don't really know.
Q What is your post office address? A Peggs.
Q Are you married now? A Yes, sir.
Q What is your husband's name? A Grant Beaver.
Q Have you any children? A Yes, sir.
Q What are their names? A William, James and Cah-la-te.
Q What is the next one after Cah-la-te? A Jennie.
Q Have you got any other one? A Yes, sir.
Q What is that child's name - one after Jennie? A This one here (with applicant) Cloud.
Q Did you ever call him Walter? A No, sir.
Q Did you ever have a child named Walter? A No, sir; I suppose they put his name (indicating child Cloud) down as Walter.
Q Who were you living with in 1896, about 6 years ago? A Wasn't living with anybody in 1896; I had lived with Joe Dirt Eater, but we had separated.
Q You once lived with a man named Joe Dirt Eater, did you? A Yes sir; I lived with him a little while. I lived with Grant Beaver about 5 years.

The 1896 census roll of citizens of the Cherokee Nation examined and the applicants identified thereon, as follows:
Katie Beaver, on page 1160, #834, Tahlequah District, as Katie Dirteater, native Cherokee, 35 years of age;
William Beaver, on page 1160, #835, Tahlequah District, as Willie Dirteater, 15 years of age;
James Beaver, on page 1160, # 836, Tahlequah District, as James Dirteater, native Cherokee, 8 years of age;
Cah-la-te Beaver, on page 1169, #8372, as Callie Dirteater, age "infant".

Q Are these children James and Cah-la-te named Dirteater or Beaver?
A Beaver.
Q All of them are named Beaver, are they? A Yes, sir.
Q The two eldest ones father was named McDaniel? A Yes.
Q Well, William's name then is McDaniel? A Yes, sir.
and James is James McDaniel? A Yes, sir.
Q Well, what is Cah-la-te's name? A Dirteater, she said she wanted them all enrolled under one name.
Q Do you want all of them to go by the name of Beaver? A Yes, sir
Q Jennie's father is Grant Beaver, is it? A Yes, sir.

Commission. This testimony will be filed as supplemental to the record, heretofore taken, in the matter of the application for the enrollment of Grant Beaver, et al., Cherokee B - 1207.

(Further proceedings, July 29, 1902.)

Supplemental statement by the Commission:

Upon an examination of the 1896 authenticated roll of citizens of the Cherokee Nation, the applicant, Katie Beaver, is identified thereon, as follows: page 750, 2084, Tahlequah District, as Katy Cooper, native Cherokee, 14 years of age.

***

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

A R Cheever

Sworn to and subscribed before me this 29th day of July, 1902.

Bruce E Jones
Notary Public.

Cherokee D-1007.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Grant, Katie, William, James, Cah-la-te, Jennie and Cloud Beaver, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 17, 1900 Grant Beaver appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself, his wife, Katie, and her minor children, William, James, Cah-la-te, Jennie and Cloud Beaver, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902, and at Rose, Indian Territory, on June 12, 1902.

The evidence shows that all of the applicants herein are Cherokees by blood. The said Grant Beaver and Katie Beaver are identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the 1896 census roll of the Cherokee Nation. The said William, James and Cah-la-te Beaver, are identified on the 1896 census roll of the Cherokee Nation, and the said Jennie and Cloud Beaver were born subsequent to said date. All of said minor applicants are shown to be the children of said Katie Beaver.

The evidence further shows that the said Grant Beaver and Katie Beaver have resided in the Cherokee Nation all their lives, and it is considered that the said minor children have been residents of said Nation since their birth.

It is, therefore, the opinion of this Commission that Grant Beaver, Katie Beaver, William Beaver, James Beaver, Cah-la-te Beaver, Jennie Beaver and Cloud Beaver, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 485), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this DEC - 1 1902

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. D. 1007 Muskogee, ~~Ind. T.~~ IND. TER. Feb. 15, 1902.

Mr. Grant Beavers,

Peggs, I. T.

Dear Sir:

Please write us a letter and tell us what your ~~fa~~ wifes name ~~w~~ was in 1880, give her Cherokee name and her English name, in what District she was living and if she was living with any one besides her father and motherstate who it was. If she had any Cherokee Name tell us what it was, and give us all the names that she was ever known by when she was a child, and we will try and find her name on the 1880 roll.

Yours very truly,

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1007.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Grant Beaver for the enrollment of himself, his wife, Katie Beaver, and his five minor children, William, James, Cah-la-te, Jennie and Cloud Beaver, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 75.

Sarah Pigeon

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 17/00

Mem. " Dec 17/10

Notice of final consideration, 3/14/02

Cher D 1008

Cher D 1008

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 11 1901

ACTING CHAIRMAN

REJECTED, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

In the matter of the application of Simeon M. Crocker for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Crocker being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Simeon M. Crocker.
Q How old are you? A 49 years of age.
Q What is your post office address? A Still.
Q What district do you live in? A Flint.
Q Are you a Cherokee citizen by blood? A Adoption.
Q Who do you want to enroll? A Myself, wife and children.
Q What is the name of your wife? A Martha Louella.
Q Have you any marri age license? A Yes, sir.
Com'r:--Applicant presents a duly authenticated marriage license and certificate certifying that he was married to one Martha E. White on the 1st day of March, 1896.
Q What is the name of your children? A John Harrison.
Q How old ishe? A He is four years old.
Q The name of thenext child? A Lois Bessie.
Q How old is she? A She is two years old.
Q The next one? A The next one is Blanchey G.
Q Have you any certificate of birth there? A Yes, sir.
Applicant: She(meaning his wife) is not on the roll of 1880, she was admitted in 1887.
Com'r:--Applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on citizenship, on the 22 day of September, 1888, signed by J. T. Adair, Chairman of the Commission and approved and endorsed by J. B. Mayes, principal Chief, under the seal of the Cherokee Nation; certifying that among others that Martha L. White was duly admitted to Cherokee citizenship on the 3d day of September, 1887.
Q How long has your wife lived in the Cherokee Nation? A I do not know, she has lived here quite a while, I could not tell.
Q Has she lived here ever since she was admitted? A I can't say. I married her right here at Tahlequah. I made her acquaintance in 1890 I believe it was.
Q She was admitted in 1887; you knew that she was here in 1890?
A Yes, sir, she was here quite a whil before that.
Q What is her father's name? A Her mother is Mary.
1896 Roll; page 1277, #35, Simeon M. Crocker, Tahlequah.
1896 Roll; page 1144, #373, Martha L. Croker, Tahlequah.
1896 Roll; page 1144, #374, John H. Croker, Tahlequah.
Q Is Martha E. White your first wife? A No, sir, I had a wife before that.
Q Did you have a divorce from that wife? A She is dead.
Q That is your first wife? A Yes, sir.
Q Are these children all alive and living at this time? A Yes, sir.
Q Your wife's mother in her testimony when she applied for enrollment swore that she came from Georgia and staid here a very short time and then moved back to Georgia and never returned until 1894? A I do not know anything about that they had sworn.
Q So you do not know when your wife took up her permanent residence in the Cherokee Nation? A No,sir, I can't tell, I knew they were here when I first got acquainted with them. That was '89 or '90.
Q Now, did your wife return here with her mother and family, or was she here before that? A I do not know.

Simeon M. Crocker--2.

Com'r Needles:--The name of Simeon M. Crocker appears upon the census roll of 1896, and he presents satisfactory proof of marriage to one Martha E. White, a Cherokee citizen by blood, in the year 1896. He also presents satisfactory proof of the admission to Cherokee citizenship, more particularly described in the testimony, as to his wife, she having been admitted in the year 1887, and her name is found upon the census roll of 1896. The name of his oldest child, John H., is found upon the census roll of 1896, and he makes satisfactory proof of birth as to two younger children, Lois B. and Blanche G., whose names do not appear upon the census roll of 1896. They are fully identified according to the page and number of the roll, but the said applicant has no information as to the time when his wife actually made her residence in the Cherokee Nation. The testimony shows that the said Simeon M. Crocker was married to his wife in the year 1896, too late under the laws of the Cherokee Nation for intermarriage citizens to acquire any rights and his application for his own enrollment will be REJECTED. because of the indefinite testimony as to the residence of the said Martha E. Crocker nee Martha E. White and because of the testimony of hermother in the case of her own enrollment, on D card #68, final judgment as to the enrollment of the said Martha E. Crocker nee White and her children as enumerated herein, will be suspended and their names will be placed upon a doubtful card , and reference is hereby made to the testimony taken in the application of Mary White the mother of Martha E. Crocker, D #68.

---ooeOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

D1008

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

ACTING CHAIRMAN

R.

C D-1008.

Department of the Interior.
Commission to the Five Civilized Tribes.
Mus kogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Martha L. Crocker for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

O.P.1006

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 9th, 1902.

In the matter of the application of Simeon M. Crocker for the enrollment of his wife Martha L. Crocker and his children John H. Crocker, Lois E. Crocker and Elmonte G. Crocker as citizens by blood of the Cherokee nation.

Appearances:

Simeon M. Crocker for Applicants.
W. W. Hastings for Cherokee nation.

Supplemental to D-1998

SIMEON M. CROCKER, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. My name is Simeon M. Crocker.
Q. What is your post office address? A. Stilwell.
Q. Are you the husband of Martha L. Crocker? A. Yes, sir.
Q. When did you first become acquainted with your wife? A. I first became acquainted with her, I believe it was in the year 1890.
Q. Where was she living at that time? A. Flint district
Q. When were you married to her? A. I was married to her in 1896--1896--April 19th.
Q. Did you see her frequently from 1890 up until the time you married her? A. No, sir
Q. Do you know anything of your own knowledge of her residence from the time you became acquainted with her until your marriage?
A. I met her then in Tahlequah in 1894.
Q. Did you see her frequently from 1895 until you were married?
A. No, sir.
Q. Where has she been since you were married in 1896? A. Right here in the Cherokee nation.
Q. Has she been out since that time? A. No, sir.

W. H. WHITE, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. W. H. White.
Q. How old are you, Mr. White? A. 53 years old.
Q. What is your post office address? A. Stilwell.
Q. Are you the father of the applicant in this case, Martha L. Crocker? A. Yes, sir.
Q. Where was she born? A. Born In Georgia.
Q. When did she come to the Cherokee nation? A. In 1890.
Q. Where has she been residing since that time? A. Here in the nation except the time that I was back in Georgia. She was with me and my family, all together, when we went back in 1891.
Q. She came here in 1890? A. Yes, sir.
Q. Remained until 1891? A. Yes, sir.
Q. Then where did you go? A. Went back on business to Georgia.
Q. How long did you remain there? A. Until 1894.
Q. Came back then? A. Yes, sir.
Q. Has she been residing here continuously since that time?
A. Yes, sir.
Q. Has she ever been out of the nation since that time?
A. No, sir.

[illegible]

[illegible]

Sworn to and signed before me this [illegible] day of July, [illegible]

[illegible]

Notary Public

Cherokee D 1006

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha L. Crocker, John H. Crocker, Lois B. Crocker, and Blanche G. Crocker as citizens by blood of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on December 17, 1900, Simeon M. Crocker appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of his wife, Martha L. Crocker, and their minor children, John H., Lois B., and Blanche G. Crocker, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 9, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Martha L. Crocker, nee White, was admitted, among others, to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on September 21, 1888. The evidence further shows that the said Martha L. Crocker removed to the Cherokee Nation for the first time in 1890, remaining there one year when she moved to Georgia returning to the Cherokee Nation in 1894. The principal applicant married one Simeon M. Crocker, March 1st, 1896, and as a result of that marriage the minor children, applicants in this case, were born. Martha L. Crocker and John H. Crocker are identified on the Cherokee Census roll of 1896. Lois B., and Blanche G. Crocker are identified by certificates of birth filed herewith.

The evidence further shows that Martha L. Crocker has resided continuously in the Cherokee Nation from 1894 up to and including the date of this application. The minor children are considered to have resided continuously in said Nation from birth up to and including the date of this application.

It is, therefore, the opinion of this Commission that the applicants, Martha L. Crocker, John H. Crocker, Lois B. Crocker and Blanche G. Crocker should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Tams Bixby.
Acting Chairman.

SIGNED T. B. Needles.
Commissioner.

SIGNED C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC - 1 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1028.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Simeon M. Crocker for the enrollment of his wife, Martha L. Crocker, and his three minor children, John H. Lois B. and Blanche G. Crocker, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 9.

IN THE MATTER OF THE APPLICATION OF

Martha L. Crocker

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

a Original testim only Dec 19/00

B Memo Dec 19/00

C Certificate of birth as to Lois B. Crocker

D " " Blanche "

E

F Notice of final consideration, 3/14/02

See Cherokee Jackson 5 00

Cher D 1009

Cher D 1009

1009

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 17 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF James L Puckett for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A James L. Puckett.
Q How old are you? A Thirty seven.
Q What is your Postoffice? A Gellingsville.
Q In what district do you live? A Cooweescoowee District)
Q Who is it you want to have enrolled? A Just myself: I want to make proof of marriage.
Q Have you already been applied for? A No sir, I never have.
Q Are you a Cherokee by blood? A No sir.
Q White man? A yes sir.
Q Let me see your marriage license and certificate? A My license have been misplaced, and no record made of them.

Com'r. C. R. Breckinridge: The applicant presents a certificate from the Reverend Leonidas Dobson, to the effect that he performed the marriage ceremony between the applicant and Ara A. Parks, on December 8th, 1883, according to the laws of the Cherokee Nation, regulating marriage between a citizen of that Nation and a citizen of the United States. This is filed herewith.
Applicant files an official certificate from the Assistant Executive Secretary of the Cherokee Nation, showing that the records of Cooweescoowee District disclose no record of the marriage between the applicant and his wife. This is filed herewith.

Q What did you do with your license? A I gave it to the preacher, and he gave them back to the Clerk.
Q And that is the last you heard of them? A Yes sir.
Q Who was the Clerk? A John Bullard: Dick Fields was the deputy that issued the license.
Q You find no record now of any kind? A No sir.
Q Has your wife been enrolled? A No sir, she's dead. Her children were put on a doubtful list.
Q Was application made for you at the same time? A It was at Chelsea: I was not there.
Q Who applied for your wife? A Nobody.
Q Who applied for the children? A They did; this step child.
Q How many children have you by this wife? A Just one.
Q And that one was applied for by one of the step children?
A yes sir.
Q Your wife, Ara A. was not born in the Cherokee Nation?
A Yes sir.
Q Was she a Cherokee by blood? A Yes sir.
Q Did she live here all her life? A No sir.
Q How long did she live here? A She went back to Tennessee about seven years to the best of my knowledge and came back in '81.
Q Was she readmitted to citizenship by the Cherokee Commission or Council? A No sir.
Q She is not on the roll of 1880? A No sir.
Q When did she die? A Died in '90.
Q Are you on any roll? A No sir.
Q Have you ever married since your wife's death? A Yes sir.
Q Whom have you married; a white woman? A No sir, a Cherokee woman.
Q When did you marry her? A In '93.
Q Where is your marriage license to that woman? A I just married her as a citizen; did not get any license: I just got a preacher to marry us. I thought I was a citizen.
Q How old was your wife when she died? A She was about thirty five to the best of my knowledge.
Q Had she been married before she married you? A She married Parks, that was all.

Q Was he dead before she married you? A Yes sir.
Q Had you been married before you married her? A No sir.
Q You have been married only once since she died?
A I have been married twice since she died.
Q Who was your first wife since this wife, Ara A. died?
A Anna Wassyx was her maiden name.
Q Was she a Cherokee woman? A Yes sir.
Q Is she dead? A Yes sir.
Q Did she die before you married your last wife? A Yes sir.
Q What is the name of your last wife? A Peachy Ellen Pagan., was her maiden name.
Q Is she living? A Yes sir.
Q Are you living with her? A Yes sir.
Q You have never separated from her? A No sir.

By Mr. J. L. Baugh, Cherokee Representative:
Q Where did your wife marry Parks? A In Tennessee.
Q Where were these children born; her children? A In Tennessee.
Q She had reached her majority when she came back to this country?
A Yes sir.
Q She never applied to the Cherokee Council for readmission?
A I do not think she did.

Com'r. C. R. Breckinridge:
Q Was her husband, Parks, dead when she came back here? A No sir, he came here and died here: He was a North Carolina Cherokee.
Q How many of these children by this husband, Parks, are living now? A Two.
Q What are their names? A Mary E. Trickey now; she's married.
Q What is the other one? A Susie Parks.

Com'r. C. R. Breckinridge: The applicant applies for enrollment as an intermarried Cherokee: He is a white man: He files a certificate of marriage, showing that he was married December 8th, 1883, but he has no copy of his marriage license, and an official certificate filed herewith shows that there is no copy of record. It appears that wis wife spent a number of years in the State of Tennessee, and a considerable time after reaching her majority, came back to the Cherokee Nation, but was never readmitted by the Cherokee Authorities: The applicant himself has married twice since the death of his first Cherokee wife: He is not upon any roll of the Cherokee Nation, and no ground is seen upon which he can be enrolled at this time, but giving him the benefit of every doubt that can exist in the case, he will for the present be placed on a doubtful card.

(Copies of this testimony will be placed in the applications for the enrollment of Mary E. Trickey, "D" #808, and Susie Parks, "D", #840, said to be daughters of the applicant's wife, Ara A.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. L. Blagueres

Subscribed and sworn to before me this 11th day of January, 1901.

COMMISSIONER.

D1009

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 1 1902

Acting Chairman

R.

C. D-1009.

Department of theInterior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James L. Puckett for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter february 26, 1902, that his application for the enrollment fo himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of march, 1902, been called, and failing to respond, it is deemed thathis case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

MR? HASTINGS: There is no record in this testimony anywhere that shows that his second wife was a citizen of the Cherokee Nation, and it is therefore contended that he has forfeited his citizenship by intermarrying with her.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1009.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James L. Puckett for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 17, 1900 James L. Puckett appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The evidence shows that on December 8, 1883, the applicant, a white man, was married to Ara A. Parks, whom he claims was a native Cherokee; but there is no record evidence showing that he married her under a Cherokee license and in accordance with the laws of the Cherokee Nation.

The evidence further shows that the said wife of this applicant was born in the Cherokee Nation about the year 1860, but afterwards removed to and became a bona fide resident of Tennessee. There she married one, Parks, and lived in said State with him for seven years, during which time two children were born unto her. She returned to the Cherokee Nation in 1881, being at that time of full age, and continued to reside therein until her death in 1890. Neither this app licant nor his said wife (Ara A.) are identified on any tribal roll of said Nation, nor does it appear that she was ever admitted to citizenship, or in any manner recognized as a citizen, of the Cherokee Nation by the tribal authorities thereof.

It further appears that after the death of his said wife, the applicant was twice married, each time to an alleged Cherokee woman; but it is not shown that he was ever married to a recognized citizen of the Cherokee Nation under a Cherokee marriage license, and in accordance with the tribal laws of said Nation.

It is therefore the opinion of this Commission that the application of James L. Puckett for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 1 1902 .

United States of America,
Indian Territory, Northern Judicial District, SS.

In Re Cherokee ID. _____.

James M. Puckett, applicant for enrollment as a citizen of the Cherokee Nation by adoption.

To the Honorable W. W. Hastings, Attorney for the Cherokee Nation:

Your are hereby notified that the original, of which the attached is a copy, will be filed with the Honorable Commission to the Five Civilized Tribes, on the 2nd day of August, 1904, and that said commission will be asked by petitioner to forward the same to the Honorable Secretary of the Interior, at their earliest convenience, and that the Secretary of the Interior will be asked by petitioner to set aside the former ruling, sustaining the descision of the Dawes Commission in the above entitled cause and that said cause be remanded by the Honorable Secretary of the Interior to the Commission to the Five Civilized Tribes and that petitioner be granted a new hearing in said cause.

Petitioner.

Attorney for Petitioner.

In Re C.D. 1009
CR
James L. Puckett 713
Aplicant for
enrollment as a
Citizen of the Cherokee
Nation by Adoption

---

file - no. inclosures

United States of America
Indian Territory
Northern District,
James L Puckett,
V S
The Cherokee Nation.

Cherokee D+ 1009

comes now James L Puckett, aplicant in the above entitled cause and moves the Hon. Secritary of the Interior, to set aside his ruling comfurming the decission of the Dawes Commission, rejecting him as a citizen of the Cherokee Nation, and remand said cause with instructions to the Hon. Commission to the Five civilised tribes to grant him a new hearing.

and for grounds of said motion aplicant states that on the 14th day of March 1902 the same being the date set for final hearing in the above entitled cause he was sick and unable to appear before the commission at Muskogee or procure the attendence of his witnesses that he could have proved by Rev. Dave Allin, of Ft. Gibson I T that he the said Dave Allin, circulated the Petition and procured the petitioners, required by the Cherokee law for the Clerk of Cooweescoo-wee District Cherokee Nation to issue the liscens, to your petitioner and Mrs. Ara A Parks, who was a cherokee Indian by blood,

that he can prove by Rev. Leomidas Dobson, that he officiated at the time said aplicant was married to said Ara A Parks, and that he acted under a Liscens issued By John Bullett, Clerk of Cooweescoowee District Cherokee Nation, By Dick Fields, Deputy Clerk. that said liscens were returned to said Deputy Clerk By said Dobson, it is therefore no fault of your petitioner that said marriage does-not appear of record and his right to Citizenship should not in any way be effected by reason of the negligence of the Clerk of the Court of Cooweescoowee District?

your petitioner further states that his is not the onley case in which the Clerk of said District misplaced Marriage liscens and thereby caused the contracting parties trouble in establishing their marriage,

Your petitioner further states that he was recognised by the Cherokee officials as a Citizen of the Cherokee Nation, as will fully appear be referance to letters of Guardianship issued By Wat Starr, Judge of the District Court of Cooweescoowee District, and Letters of Administration,

Issued by said Wat Starr, Judge of Cooweescoowee District Cherokee Nation, to administer on the estate of the said Ara A Puckett, formaly Ara A Parks, who was your petitioners first wife, and the womon he claim the right to citizenship through the marriage of. is is shown clearly tha that the Cherokee Court regognised said Ara A Parks, As a Citizen of the Cherokee Nation or they would not have issued letters of administration to her husband on her estate or letters of guardianship to your petitioner for his step children, Mary E and Susan Parks,

Your petitioner further shows that the Cherokee Courts recogised him as a Cherokee Citizen by filing herwith a copy of a commission issued by Neal Ward, Sheriff of Cooweescoowee District to summons Witnesses?, for the Court of said District, a Copy of said letters of administration and guardianship and commission are herunto attached and made a part of this m motion,

Your petitioner further states that on the - day of November 1891 he was married to Annie Corntassel, whos maden name was Annie Wassee, whos name appears on the Cherokee Roll of 1880, that on the - day of May 1893 he was married to Mrs Peach E Taylor, whos maden name was Fagan, who was re-admited to citizenship in the Cherokee Nation in 1883. that your petitioner has ben married to three Cherokee women, the first two of whom died before his marriage to the second and the second one died before his marriange to his present wife, the only question rased as to your petitione -rs rights to citizenship is as to his first marriage according to the Cherokee law, and that proof can and will be furnished if this petition is granted,

Therefore Your petitioner respectfully moves the Hon. Secritary of the Interior to set aside his former ruling in the above entitled cause and grant him a new trial,

---

Sworn to an subscribed before me this the31st. day of May 1904

Notary Public.

FILED
APR - 6 1905
COMMISSION TO FIVE TRIBES.

Cherokee-R-713.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 30, 1905.

In the matter of the application for the enrollment of James L. Puckett as a citizen by intermarriage of the Cherokee Nation. This case remanded by the Secretary of the Interior.

Cherokee Nation represented by Mr. Davenport.

COMMISSION.

Applicant had no attorney.

S. G. Wills, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. S. G. Wills.
Q. Are you a citizen of the Cherokee Nation? A. By marriage.
Q. Do you know the applicant, James L. Puckett? A. Yes sir.
Q. How long have you known him? A. About 22 years.
Q. What do you know about his marriage? A. I know he was married, the first time, according to the Cherokee law. I helped to get up the petition.
Q. Did you take the petition around yourself? A. Yes sir, me and Mr. Paris took it aroubd together.
Q. What became of that petition? A. It was turned over to the Clerk of the Court when he got his license.
Q. Who was the Clerk to whom the petition was turned over? A. Dick Fields. He was Clerk of Cooweescoowee District, at Vinita.
Q. When was that? A. In '83.
Q. What time of the year? A. Late in the fall or early winter.
Q. The last time you saw the petition was it made up and signed by the requisite number? A. Yes sir.
Q. Did you take it yourself to the Clerk? A. I think Mr. Paris carried it to the Clerk.
Q. Where was all this done? A. At Vinita.
Q. The petition was signed at Vinita? A. Yes sir.
Q. Do you know anything about Puckett previous to then? A. I knew him along in the summer previous to that time.
Q. What was the name of his Cherokee wife? A. She was the widow Parks.
Q. What was her first name? A. I don't remember. She had been married to a man by the name of Parks and he had died.
Q. How long had you known her prior to her marriage to Puckett? A. A couple or three months.
Q. Have you known them ever since? A. Yes sir, until she died

a few years after that.

Q. Did they live together as husband and wife up until her death? A. Yes sir.

Q. Where did they live? A. I don't think they were ever out of Cooweescoowee District.

MR. DAVENPORT:

Q. Do you know anything about whether Mrs. Parks had ever been readmitted to citizenship after her coming from Tennessee? A. No sir.

Q. Were you at the wedding? A. I was a little too late.

Q. You don't know that she was ever readmitted? A. No, I don't know.

COMMISSION:

Q. You know nothing of her previous to two or three months prior to this marriage? A. No sir.

WITNESS EXCUSED.

Frank Paris, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Frank Paris.

Q. How old are you? A. I am 46 years old.

Q. What is your post office address? A. Chelsea.

Q. Are you a Cherokee by blood? A. Yes sir.

Q. On the final roll? A. Yes sir.

Q. Do you know the applicant? A. Yes sir.

Q. How long have you known him? A. A good while-- I can't say just how long.

Q. Do you remember the time he was married? A. Yes sir.

Q. Do you know whether he procured a Cherokee license or not? A. I signed the petition and took it around-- me and Mr. Wills.

Q. Was it signed by the requisite number of citizens? A. Yes sir.

Q. What did you do with the petition? A. Turned it over to Dick Fields. He was the Clerk of the Court.

Q. Did you know his wife? A. Not very well.

Q. Do you know whether he was married under that license? A. No, I couldn't say.

Q. Were you present at the marriage? A. No sir.

Q. All that you know about this marriage is that you went around with this petition, and that you filed the petition with the Clerk at Vinita? A. Yes sir.

WITNESS EXCUSED.

Mr. Wills recalled.

COMMISSION:

Q. You stated just now that you took this petition to the Clerk of the Court? A. Yes sir.

Q. Do you know whether the marriage license was issued? A. Yes sir, they were.
Q. You are positive of that? A. Yes sir.
Q. Do you know whether the regular fee was paid? A. I don't know about that, but I think it was.

WITNESS EXCUSED.

Mr. Paris recalled.

COMMISSION:

Q. Do you know whether they were married or not? A. We got to the house too late for the ceremony, but I suppose they were married.
Q. They looked like they had been married, did they? A. Yes sir.
Q. Do you know that they lived together after that? A. I never was at the house again, but everybody said they lived together

WITNESS EXCUSED.

James L. Puckett, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. James L. Puckett.
Q. Did you have any children? A. Yes sir.
Q. What are their names? A. Fannie Puckett is the oldest one that is living.
Q. What is her name now? A. Fannie Osborn.
Q. Is she on the final roll? A. Yes sir.
Q. Is she your daughter by Ara A. Parks? A. Yes sir.
Q. Was Ara A. Parks your first wife? A. Yes sir.
Q. Were you her first husband? A. No sir.
Q. How many times had she been married? A. Once.
Q. To whom had she been married? A. C. M. Parks.
Q. Was he dead at the time you married her? A. Yes sir.
Q. The two previous witnesses testified that they took the petition to the Clerk, Dick Fields. Is Dick Fields living? A. No sir.
Q. When did he die? A. I don't know. It has been 5 or 6 years ago.

WITNESS EXCUSED.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 30th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 5th. day of April, 1905.

Thos. W. Phillips
Notary Public.

F. R. Cherokee R-713.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 17, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of James L. Puckett as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902.

The record further shows that on July 16, 1902, the Commission to the Five Civilized Tribes rendered its decision herein denying applicant's right to enrollment as a citizen by intermarriage of the Cherokee Nation. On August 19, 1902, said decision was duly affirmed by the Department. Thereafter, on November 16, 1904, (Departmental letter I.T.D. 6986-1904), this case was remanded by the Department for further testimony, and supplemental testimony was taken at Muskogee, Indian Territory, on February 2, 1905, and March 30, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, James L. Puckett, is a white man, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage, on December 8, 1883, to his wife, Ara A. Puckett, formerly Parks, nee Hilderbrand, whom he claims was a native Cherokee; there is no record evidence showing that the said James L. Puckett and Ara A. Puckett were married under a Cherokee license and in accordance with the laws of the Cherokee Nation. The applicant cannot be identified on any of the tribal rolls of the Cherokee Nation in the possession of this office.

The said applicant did not marry in accordance with Cherokee law a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs the United States, Nos. 125, 126, 127 and 128, the said applicant, James L. Puckett, is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

SIGNED Tams Bixby,
Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 25 1907

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1009.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of James L. Puckett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Inc. H-15.

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1009.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of James L. Puckett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

(C O P Y)

W.C.F.
Y.P.
RJH

DEPARTMENT OF THE INTERIOR.

D. C. 44355-1904
I. T. D. 6986-1904.

WASHINGTON. November 16, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 13, 1904, you transmitted a motion to reopen the matter of the application of James L. Puckett for enrollment as a citizen by intermarriage of the Cherokee Nation.

July 16, 1902, you decided that the applicant is not entitled to enrollment, inasmuch as the record did not show that he was ever married to a recognized citizen of the Cherokee Nation under a Cherokee marriage license, and in accordance with the tribal laws of said nation. Your decision was approved by the Department August 19, 1902.

In support of the motion for review it is claimed that at the date set for the final hearing in the case the applicant was sick and unable to appear before the Commission or procure the attendance of his witnesses, and that if given an opportunity the applicant can prove by certain witnesses that he was married in accordance with the laws of the Cherokee Nation, to Mrs. Ara A. Parks, a Cherokee Indian by blood.

The Department considers that the applicant should be allowed to introduce the testimony referred to in his motion

for review. The motion is hereby granted, and you will so notify all the parties concerned, and allow the applicant a reasonable time within which to introduce said testimony, after which you will transmit same to the Department with recommendation.

The record and the motion for review are returned herewith.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

3 inclosures.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Aug. 30, 1904.

Refer in reply
to the following:

Land.

49,699-1902.
56,060-1904.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of August 11, 1902 -- 4773-1902 -- there is enclosed a report from the Commission to the Five Civilized Tribes, dated August 13, 1904, transmitting a motion for a rehearing of the application of James L. Puckett for enrollment as an intermarried citizen of the Cherokee Nation. The motion bears evidence of service upon the attorney for the Nation. The record is enclosed.

Very respectfully,

W. A. Jones

Commissioner.

(G.A.W.) P.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Attorney

REFER IN REPLY TO THE FOLLOWING:
Cherokee Roll.
" Dockets.

Muskogee, Indian Territory, December 2, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of November 16, 1904, granting a motion for rehearing in the case of James L. Puckett, Cherokee R-713, and directing that he be given an opportunity to appear before the Commission and introduce further testimony in support of his application for enrollment as an intermarried citizen of the Cherokee Nation.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, December 23, 1904, and introduce such testimony as he may desire in support of his said application. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Enc. D-6.

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-713.

Muskogee, Indian Territory, March 18, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of James L. Puckett as a citizen of the Cherokee Nation, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 30, 1905.

The said James L. Puckett has, therefore, this day been directed to appear on that date and introduce such testimony as he may desire in support of said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
R 713

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of James L. Puckett, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-94

RA

Refer in reply to the following:

COPY.

Land
20412-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of James L. Puckett as a citizen by intermarriage of the Cherokee Nation, together with the decision of Commissioner Bixby dated February 23, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

EBM.Ph.

D. C. 12289

Y.P.
W.H.M.

DEPARTMENT OF THE INTERIOR,

I. T. D.

WASHINGTON.

COPY.

6926,6932,6948,6978,6982,
6984,6986,6988,6990,6994,
7018,7022,7024,7030,7034,
7038,7040,7048,7056,7062,
7064,7066,7068,7070,7076,
7084,7090,7100,7118,7122,
7154-1907.

March 2, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of case.	Date of your letter of transmittal.
James L. Smith,	February 23, 1907.
Raymond Bent(freedman),	February 20, 1907.
James W. Hyde, et al.,	February 23, 1907.
William Russell Worth, et al.,	February 23, 1907.
Letha C. Gumiford,	February 23, 1907.
Fred Welch,	February 23, 1907.
Arthur Valentine Tayler, et al.,	February 25, 1907.
Addie Cheuteau,	February 6, 1907.
Clifford Sapsucker,	February 23, 1907.
Robert H. Crow,	February 23, 1907.
Annie Johnson (freedman),	February 16, 1907.
Everts Thorne,	February 23, 1907.
Manda Twist,	February 26, 1907.
Harold Parks Harrison,	February 20, 1907.
Emily C. Howell, et al.,	February 23, 1907.
Fannie Roberson, et al.,	February 27, 1907.

Title of Case.	Date of your letter of transmittal.
Willis S. Irwin, et al.,	February 14, 1907.
Rosella Riley (freedman),	February 14, 1907.
Quinnamo Ward,	February 15, 1907.
Rosa Lee Hillin, et al.,	February 21, 1907.
Sarah Hayes,	February 21, 1907.
James L. Puckett,	February 23, 1907.
Mollie Fox,	February 18, 1907.
Lorine Hillin, et al.,	February 18, 1907.
David W. Woodcock, et al.,	February 21, 1907.
Rosel Lee Martin (freedman),	February 21, 1907.
John Robinson, Sr.,	February 23, 1907.
George A. Armstrong,	February 21, 1907.
J. W. Petty,	February 23, 1907.
John M. Ware,	February 20, 1907.
Mary Harlan,	February 22, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

21 enclosures, and
62 enclosures to Ind. Of.,
with copy hereof.

AWMc.
3-4-07.

673

REFER IN REPLY TO THE FOLLOWING:

Cherokee R713

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 28, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting theapplication for the enrollment of James L. Puckett as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc I-226

RPI

FEB 15 1902

IN THE MATTER OF THE APPLICATION OF

James L. Puckett

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony filed 17/00

B Mem. filed 17/00

C Certificate of Marriage

D Certificate from Atty. Gen. C.N.

E Notice of final consideration, 3/14/02

Cy.

Transferred to R-713

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Cher D 1010

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Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 18, 1900.

In the matter of the application of Lizzie Christian for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Lizzie Christian.
Q How old are you? A About 42.
Q What is your postoffice? A Tahlequah.
Q Do you live in Tahlequah district? A Yes sir.
Q Who is it you want to have enrolled; yourself and family? A Just myself.
Q Are you a Cherokee by blood? A No sir.
Q White woman? A I married a Cherokee.
Q Is your husband living? A I suppose so, but he isn't with me. He went off almost two years ago.
Q What was your name when you married your husband? A Osborne.
Q And is his name Tatum Christian? A Yes sir.
The applicant presents a license issued by the Clerk of the United States Court, First Judicial Division, Indian Territory, and a certificate in accordance therewith, showing that on Dec. 25, 1893, she was unuted in marriage to Tatum Christian, by the Rev. T.M. Rights. This is filed herewith.
Q You say your husband left you about two years ago? A Yes sir.
Q Did you live with him from the time you married him until about two years ago? A Yes sir.
Q Were you ever married before you married this husband? A Yes sir.
Q How many times? A Once.
Q Where were you married before? A In Missouri.
Q Was that husband dead when you married this husband? A Yes sir.
Q Was Tatum Christian ever married before he married you? A Yes sir.
Q How many times? A Once.
Q Was that wife dead when he married you? A He was divorced from her.
Q Have you a copy of the decree of divorce? A No sir, I haven't.
Q Where was the divorce granted? A Here at Tahlequah I think.
Q In the United States Court or Cherokee Court? A Cherokee, I think, as well as I know.
Q When was he divorced from that wife? A I couldn't tell you exactly, I don't know.
Q What was her name? A Her name was Sunday; she was a full blood.
Q What was her given name? A They called her Polly Sunday, and sometimes Lizzie Sunday. I don't know for certain what was hername.
Q How old is Tatum Christian now? A I don't know exactly.
Q About how old? A I guess he's 32 or 33.
Q Has he lived in the Cherokee Nation all his life? A I don't think he did. I think he lived in Georgia.
Q How long has helived in the Cherokee Nation? A I don't know how long its been.
Q You considered Tatum a Cherokee by blood, did you? A Yes sir.
Q You know of any rolls that he is on? A I guess he is on all the rolls. He drawed strip money for I drawed it for him.
Q You have no copy of the certificate of admission to citizenship of your husband? A No sir, I haven't.
Q You know how long he has lived in the Cherokee Nation? A No, I don't know how long.
Q You know the name of your husband's father? A James Christian.
Q Is she dead? A Yes sir.
Q Did Tatum have any other name besides Tatum? A William T. Christian.
1896 roll; page 1149, #507, William T. Christain, Tahlequah dist.
Q Has there ever been a divorce between you and your husband? A No sir.
Q What was the cause of the separation? A I don't know.
Q Did you leave him? A No sir, he left me.

2- L.C.

Q You and he living on a farm together? A No sir, we weren't living on a farm.
Q Where were you living? A On the river by my daughter's. He went to hunt a place. He said he was going to rent a place. I heard he took another woman up in Cooweescoowee.
Q He never come back? A No sir, he never come back is all I know.
Q Is that all you know about it? A That is all I know.
Q You have never remarried? A No sir.

Commissioner Breckinridge-

The applicant is shown by the license and certificate filed herewith to have been married to her husband December 23, 1893. She is a white woman. She states that she was once previously married, but that her former husband was dead before she married her present husband. The printed record in the possession of the Cherokee representative present indicates that her husband was admitted to citizenship by the Cherokee Commission on Citizenship in 1888. The applicant has no official evidence of that fact at this time. Her husband is identified on the roll of 1896. She states that they lived together from the time of their marriage, and in the Cherokee Nation, until some two years ago, when they separated. She does not know how long her husband was in the Cherokee Nation prior to her marriage. He was married once previous to the present marriage, but the applicant states that he was divorced ~~#####~~ before the present marriage. She is not able to supply a copy of the decree of divorce at this time. She is not identified upon anyroll; but giving her the benefit of the doubts in this case, she will now be listed for enrollment as a Cherokee by adoption on a doubtful card to await a copy of the decree of divorce between her husband and his first wife, and also official evidence of his admission to citizenship, and for the furhter consideration of her case under the testimony.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 10th day of January, 1901.

[illegible]
Commissioner.

R-310

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 18 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Lizzie Christian Tahlequah I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Certified Copy of decree of divorce of husband W. T. Christian from first wife to be supplied

Official evidence of admission of husband to citizenship to be supplied

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEC 15 1893

ACTING CHAIRMAN

FILED

JAN 12 1894

6
218

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY, } SS.
1/21/11 JUDICIAL DIVISION.

I, JOSEPH W. PHILLIPS, Clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 12 *day of* Jan. *189*4 *, at* *M., and duly recorded in Book* 6 *Marriage Record, Page* 218

Witness my hand and seal of said Court at Muskogee *in said Territory, this* 12 *day of* Jan *A. D. 189* 4

Joseph W. Phillips *Clerk.*

By F. L. Phillips *Deputy.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEC 15 1903
ACTING CHIEF CLERK

FILED
JAN 12 1894

6/218

8

Marriage License.

United States of America,
INDIAN TERRITORY,
First Judicial Division. } ss.

No. 53

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr. Tatum Christian of Tahlequah in the Ind Ter aged 24 years, and Miss Lizzie Osborne of Tahlequah in the Ind Ter aged 25 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and Official Seal, this 20 day of Dec A. D., 1893

Joseph Phillips
Clerk of the U. S. Court.

By F. L. Phillips Deputy.

Certificate of Marriage.

United States of America,
INDIAN TERRITORY,
First Judicial Division. } ss.

I T. M. Rights
a Minister of the Gospel

DO HEREBY CERTIFY, that on the 23d day of December A. D., 1893 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 23d day of December A. D., 1893

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, First Judicial Division, Book C, Page 168

T. M. Rights
Pastor of Mormon Church
Tahlequah Ind Ter

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

PHOENIX PRINTING CO., MUSKOGEE.

Case 8/010

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
DEC 18 1900

CHAIRMAN.

POOR ORIGINAL -
BEST AVAILABLE COPY

B. W. Allesly

Kate F. Christian
Osgood Christian
Pearl T. Christian
W. T. Christian

Executive Office, Cherokee Nation,

Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above names apears on the register of persons admitted to citizenship, and on page 23 of said register, which register refers to page 172 Book "A" for decision of the Commission, and journal page 246 for testimony; On page 172 book "A" is recorded the decision readmitting the first above named to citizenship in the Cherokee Nation by the Citizenship Commission on the 13th day of October 1887; and on page 246 in journal show that other parties as minor heirs were mentioned in the application but names are not given; the above records have been filed in this office and are in my custody.

Given under my hand and the seal of the Cherokee Nation this the 17th day of December 1900.

Seal.

Signed - B. W. Alberty,

Assistant Executive Secretary.
Cherokee Nation.

Muskogee, Indian Territory, June 11, 1902.

I, R. A. Stevens, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Lizzie Christian as a citizen by intermarriage of the Cherokee Nation.

R. A. Stevens
Steno.

Tatum Christian vs. Lizzie Christian	((((	Suit for divorce. Defendant confessed judgment and divorce granted.

Executive Office, Cherokee Nation.

Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Chreokee Nation, do hereby certify that the above is a true copy taken from the docket of the Circuit Court of Tahlequah District, Cherokee Nation, now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 18th day of December 1900.

Seal

Signed - B. W. Alberty,

Assistant Executive Secretary.
Cherokee Nation.

Muskogee, Indian Territory, June 11, 1902.

I, R. A. Stevens, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Lizzie Christian for enrollment as a citizen by intermarriage of the Cherokee Nation.

R. A. Stevens
Steno.

101010

Case 81010

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 18 1900

ACTING CHAIRMAN.

POOR ORIGINAL -
BEST AVAILABLE COPY

B. W. Albert

ATTORNEYS:

L. B. BELL.

W. W. HASTINGS.

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

STATEMENT BY J. C. STARR.

A copy of the testimony of William T. Christian, Cherokee Straight Case #7601, is placed in this Jacket but has not been ordered filed in the case by the Commission, but is simply placed here for our information.

a 7601

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 22 1901

ACTING CHAIRMAN.

Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 12, 1901.

In the matter of the application of William T. Christian for the enrollment of himself as a Cherokee citizen by blood; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A William T. Christian.
Q How old are you? A Going on 31.
Q What is your post-office? A Talala.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation, by blood?
A Yes sir.
Q Who do you desire to enroll besides yourself? A Just myself.
Q Whatis your father's name? A James Christian.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Kate Christian.
Q Is she living? A No sir, she is dead.
Q Your name on the roll of 1880? A I have got a certificate here. I had better show it, you can tell more from that. (Produces papers)

Commissioner Needles: Applicant presents a certificate of admission to Cherokee citizenship, issued from the office of the Commission on Cititizenship at Tahlequah, Cherokee Nation, on the 14th day of October, 1887, signed by D.W.Lipe, Chairman, Henry Biffert, Acting Secretary, approved and indorsed by D.W. Bushyhead, Principal Chief of the Cherokee Nation, all under the seal of the Cherokee Nation, certifying that on the 26th day of May, 1887, Kate T. Christian, Osgood F. Christian, Pearl T. Christian and W. T. Christian, 16 months of age, were duly admitted to Cherokee citizenship on the 26th day of March, 1887.

Q Are you the identical W.T.Christian mentioned in this certificate?
A Yes sir, I am.
Q How long have you lived in the Cherokee Nation? A About 14 years, I guess.
Q Been living here continuously 14 years? A Yes sir.
Q What year was that you came here in? A I don't recollect just exactly; '87 I guess.
Q Where did you come from? A Come from Georgia.
Q You been living here continuously since that time? A Yes sir, I have.
Q Are you married? A No sir.
Q The certificate which you present states that William T. Christian is a male child, 16 months old? A Well I have been parted for several years.
Q Who has been parted for several years? A I have, I am not living with the woman now.
Q I am not talking anything about the woman, I am ~~talking~~ saying that the W. T. Christian mentioned in this certificate is mentioned as a male child 16 months of age, and you must have been more than 16 months of age? A Well I was 16 years old, and the Council made that mistake I guess.
Q You think it is a mistake in the entry, and that it should have been16 years instead of 16 months? A Yes sir.

BY W.W.HASTINGS, Cherokee Representative:

Q Osgood F. Christian your full brother? A Yes sir.
Q You are older than he? A Yes sir.
Q What is your mother's full name, Kate what? A Kate Christian.
Q Has she got any middle name? A No.
Q Has your father got any middle name? A James Wood Christian.
Q Did you ever hear of your mother having the middle name F.?
A Yes, Kate F. Christian.
Q Well why didn't you know it awhile ago? A Well I wasn't thinking.
Q What is your sister's name? A Pearl T. Christian.

Q She your full sister? A Yes sir.
Q You are a full brother then of Osgood and Pearl Christian? A Yes sir.
Q Did you come to this country with them? A Yes sir.
Q You have lived here now ever since? A Yessir, ever since we come here.
Q How long have you known your witness, Mr. King, here? A I have knowed him about 14 years, he was the first man I got acquainted with.

JAMES A. KING, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A James A. King.
Q How old are you? A I am 48.
Q What is your post-office address? A Tahlequah.
BY MR. HASTINGS:
Q You know this applicant here? A Yes sir.
Q How long have you known him? A I couldn't give the exact date, probably it was somewhere in '88, as I recollect, somewhere 12 or more years ago . His father farmed for me one year and he was with the family.
Q What was his father's name? A I couldn't recollect his given name, Christian is all I remember.
Q Did he have a brother named Osgood? A He had a little brother and a little sister.
Q Do you know of their being admitted to citizenship? A He told me-the permit law at the time- he told me he had been admitted by the National Council or by some body; he showed me a certificate any of his citizenship.
Q Have you known of this applicant since that time? A I have seen him a good many times, yes sir. He married near here somewhere and I think he and the woman separated. I have known him since then; I have seen him most every year or two.

Applicant, WILLIAM T. CHRISTIAN, re-called and further examined.
BY MR. HASTINGS:
Q You said to me the reason you never applied before was because you didn't have this certificate of admission? A I didn't have that; Osgood had that; when the old man died he got all the things, and that was in his possession.
Q Your brother had it? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined for applicant and identified as follows:
page 1149, #507, William T. Christain, Tahlequah District.

BY COM'R NEEDLES: Q Are you married? A Yes sir.
Q No children? A No sir.
Q Your wife a non-citizen? A Yes sir.

Commissioner Needles: William T. Christian applies for the enrollment of himself; he makes satisfactory proof of his admission to Cherokee citizenship, more particularly described in the testimony, and also satisfactory proof as to his residence, and said William T. Christian will now be listed for enrollment as a Cherokee by blood.

--*--

M.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 14, 1901.

Notary Public.

D1010

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

L R D
1902

ACTING CHAIRMAN

Washington, D. C.,
Dec. 22, 1902.

Hon. Thomas Ryan,
Minister to Mexico,
Mexico, D. F.

Sir:

Inclosed herewith I have the honor to transmit to you a copy of a letter addressed to the Secretary of the Interior by Mr. Tams Bixby, a member of this Commission, under date of the 19th instant, relative to the Mexican citizenship of certain Indians who are members of the Choctaw and Chickasaw tribes of Indians in the Indian Territory.

Very respectfully,

Tams Bixby,
Acting Chairman.

D-1010.

A.

R.

C. D-1010.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Lizzie Christian for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1010.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 12, 1902.

In the matter of the application of Lizzie Christian for enrollment as a citizen by intermarriage of the Cherokee Nation.

A copy of all the testimony taken before this Commission in the case of William T. Christian, who is enrolled on a Cherokee roll card, Field No. 7601, is ordered filed herewith and made a part of the record in this case.

Commissioner.

Cherokee.

Department of the Interior.
Commission to the Five Civilized Tribes,,
Tahlequah, I.T., November 12, 1901.

In the matter of the application of William T. Christian for the enrollment of himself as a Cherokee citizen by blood; being sworn and examined by Commissioner Needles, he testifies as follows:

Q. What is your name? A. William T. Christian.
Q. How old are you? A. Going on 31.
Q. What is your post-office? A. Talala.
Q. What district do you live in? A. Cooweescoowee.
Q. Are you a recognized citizen of the Cherokee Nation, by blood?
A. Yes sir .
Q. Who do you desire to enroll besides yourself? A. Just myself.
Q. What is your father's name? A. James Christian.
Q. Is he living? A. No sir, he is dead.
Q. What is your mother's name? A. Kate Christian.
Q. Is she living? A. No sir, she is dead.
Q. Your name on the roll of 1880? A. I have got a certificate here. I had better show it, you can tell more from that. (Produces papers).
Commissioner Needles: Applicant presents a certificate of admission to Cherokee citizenship, issued from the office of the Commission on Citizenship at Tahlequah, Cherokee Nation, on the 14th day of October, 1887, signed by D. W. Lipe, Chairman, Henry Eiffert, Acting Secretary, approved and endorsed by D.W. Bushyhead, Principal Chief of the Cherokee Nation, , all under the seal of the Cherokee Nation, certifying that on the 26th day of May, 1887, Kate T. Christian, Osgood F. Christian, Pearl T. Christian and W. T. Christian, 16 months of age, were duly admitted to Cherokee citizenship on the 26th day of March, 1887 .
Q. Are you the identical W. T. Christian mentioned in this certificate? A. yes sir, I am.
Q. How long have you lived in the Cherokee Nation? A. About 14 years I guess.
Q. Been living here continuously 14 years? A. Yes sir.
Q. What year was that you can here in? A. I don't recollect just exactly; '87 I guess.
Q. Where did you come from? A. Come from Georgia.
Q. You been living here continuously since that time? A. Yes sir, I have.
Q. Are you married? A. No sir.
Q. The certificate which you present states that William T. Christian is a male child, 16 months old? A. Well I have been parted for several years.
Q. Who has been parted for several years? A. I have, I am not living with the woman now.
Q. I am not talking anything about the woman. I am saying that the W. T. Christian mentioned in this certificate is mentioned as a male child 16 months of age? A. Well I was 16 years old, and the Council made that mistake I guess.
Q. You think it is a mistake in the entry and that it should have been 16 years instead of 16 months? A. Yes sir.
BY W. W. HASTINGS, Cherokee Representative:
Q. Osgood F. Christian your full brother? A. Yes sir.
Q. You are older than he? A. Yes sir.
Q. What is your mother's full name, Kate what? A. Kate Christian
Q. Has she got any middle name? A. No.
Q. Has your father got any middle name? A. James Wood Christian.
Q. Did you ever hear of your mother having the middle name F.?
A. Yes, Kate F. Christian.
Q. Well, why did'nt you know it awhile ago? A. Well I was'nt thinking.
Q. What is your sister's name? A. Pearl T. Christian.

Q. She your full sister? A. Yes sir.
Q. You are a full brother then of Osgood and Pearl Christian?
A. Yes sir.
Q. Did you come to this country with them? A. Yes sir.
Q. You have lived here now ever since? A. Yes sir, ever since we come here.
Q. How long have you known your witness, Mr. King, here? A. I have knowed him about 14 years, he was the first man I got acquainted with.

JAMES A. KING, being sworn and examined by Commissioner Needles, testified as follows:

Q. What is your name? A. James A. King.
Q. How old are you? A. I am 48.
Q. What is your post-office address? A. Tahlequah.
BY MR. HASTINGS:
Q. You know this applicant here? A. Yes sir.
Q. How long have you known him? A. I could'nt givetthe exact date, probably it was somewhere in '88, as I recollect, somewhere 12 or more years ago. His father farmed for me one year and he was with the family.
Q. What was his father's name? A. I could'nt recollect his given name, Christian is all I remember.
Q. Did he have a brother named Osgood? A. He had a little brother and a little sister.
Q. Do you know of their being admitted to citizenship? A. He told me- the permit law at the time- he told me he had been admitted by the National Council or by somebody; he showed me a certificate any of his citizenship.
Q. Have you known of this applicant since that time? A. I have seen him a good many times, yes sir. He married near here somewhere and I think he and the woman separated. I have known him since then; I have seen him most every year or two.

Applicant, WILLIAM T. CHRISTIAN, re-called and further examined.
BY MR. HASTINGS:
Q. You said to me the reason you never applied before was because you did'nt have this certificate of admission?A.I did'nt have that; Osgood had that; when the old man died, he got all the things, and that was in his possession.
Q. Your brother had it? A. Yes sir.

1896Census roll of citizens of the Cherokee Nation examined for applicant and identified as follows:
page 1149, #507, William T. Christian, Tahlequah District.

BY COM'R. NEEDLES:
Q. Are you married? A. Yes sir.
Q. No children? A. No sir.
Q? Your wife a non-citizen? A. Yes sir.

Commissioner Needles: William T. Christian applies for the enrollment of himself; he makes satisfactory proof of his admission to Cherokee citizenship, more particularly described in the testimony, and also satisfactory proof as to his residence, and said William T. Christian will now be listed for enrollment as a Cherokee by blood.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded ~~the testimony and proceedings in this case and that the foregoing is~~ a true and complete transcript of his stenographic notes thereof.

Signed - M. D. Green.

Subscribed and sworn to before me this November 14, 1901.

Signed - J. C. Starr,
Notary Public.

SEAL

#3. Cherokee D-1010.

I, R. A. Stevens, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original testimony taken in the case of William T. Christian (Cherokee # 7801), which is ordered filed and made a part of the record in the matter of the application of Lizzie Christian for enrollment as a citizen by intermarriage of the Cherokee Nation.

R. A. Stevens

40 1010

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 - 1902

Acting Chairman

R.

C. D-1010.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Lizzie Christian for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1010.

FPT
CR

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--ooooOoooo--

In the matter of the application of Lizzie Christian for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 18, 1900 Lizzie Christian appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902. The testimony in the case of William T. Christian enrolled on a Cherokee roll card, Field No. 7601, is ordered filed herein and made a part of this case.

The evidence shows that the applicant, a white woman, was lawfully married on December 23, 1893, to Tatum Christian, also known as William T. Christian, who is a Cherokee by blood. It also appears from the records of the Cherokee Nation in possession of this Commission that Kate Christian, mother of William T. Christian, was admitted to citizenship in the Cherokee Nation by the duly constituted tribal authorities of said Nation on October 15, 1887, and it is shown by the evidence that said William T. Christian was at that time a minor; and that he has resided in said Nation continuously since 1887.

The evidence further shows that the applicant and her said husband lived together as husband and wife from the date of their marriage until 1898, when he left her, no fault on her part being shown; and that he still lives apart from her, but that no divorce has ever been granted separating them. It appears that her said husband was previously married to one, Lizzie Sunday, but was divorced from her, prior to his marriage to this applicant, by a decree of the Circuit Court of Tahlequah District, Cherokee Nation, a certified copy of which is on file in this case.

The said William T. Christian is identified on the 1894 strip payment roll and on the 1896 Census Roll of the Cherokee Nation. It does not appear that the applicant is identified on any of the tribal rolls of said Nation.

The evidence further shows that the applicant was a resident of the Cherokee Nation at the date of this application, and had been such resident for more than seven years prior thereto.

Decision # 2 Cherokee 1010.

It is therefore the opinion of this Commission that Lizzie Christian should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

capitol after he got his citizenship papers, but I never noticed.

Examination by Mr. Starr- Cherokee representative.

Q Were you at the court house when the divorce was granted between your husband and his former wife? A No; I was not.
Q You don't know the date the divorce was granted? A No sir.
Q Where were you living when you separated from William T. Christian?
A We were living five miles from Tahlequah.
Q Were you living on a place of your own? A No.
Q Where were you living [illegible] . We were living with his foreman.
Q How long had you been living there? A We hadn't been there long; we lived before that in Cooweescoowee, on the Bourbon place.
Q Did you make any effort to get Mr. Christian to come back and live with you? A I never saw him.
Q You was quite willing for him to go? A I would rather he stayed if it was his will; if it wasn't of course I could not help it.
Q How long was it after he left before you heard from him? A I don't remember.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 1, 1902.

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES
NOV 8 1902
FILED

8 1010

Cher-D-1010.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 23, 1902.

In the matter of the application of Lizzie Christian for enrollment as a citizen by intermarriage of the Cherokee nation.

Lizzie Christian being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Lizzie Christian.
Q How old are you? A I don't know at age exactly.
Q About forty-four? A Yes, I think so.
Q What is your postoffice address? A Tahlequah, I.T.
Q Are you a white woman? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes sir. That's my claim.
Q What is your husband's name? A William T. Christian.
Q Is he a Cherokee by blood? A Yes, he claims it.
Q When were you married to him? A We were married in 1893 I think.
Q Had you ever been married before? A Yes sir.
Q What was your first husband's name? A Josiah Osborn.
Q Was he a white man? A Yes sir.
Q Is he dead? A Yes sir.
Q Did he die before you married Christian? A He died before I ever come to the Cherokee nation.
Q I am asking you when? Before you married Christian? A Yes, before I married Christian, of course.
Q William T. Christian is your second husband? A Yes sir.
Q Had Christian ever been married before he married you? A Yes.
Q What was his first wife's name? A Lizzie Sunday.
Q Were they divorced? A Yes sir.
Q When? A I don't know exactly, but it was a few months before we was married.
Q Where were they divorced? A In Tahlequah court.
Q Was that the only time Christian had been married before he married you? A Yes sir.
Q Have you and Christian been living together ever since you were married?
A No, we aint living together.
Q Have you seperated? A Yes.
Q How long did you live together after you were married? A We lived together about five years I reckon.
Q In the Cherokee nation? A Yes sir.
Q What was the cause of the separation between You? A I don't know what; he just went off.
Q Did he tell you why he went off? A He said he was going to rent a place, and never came back.
Q Did you ever give him any cause for leaving you? A Never did.
Q You was faithful and affectionate towards him? A I was.
Q Did you ever try to get him to come back and live with you? A I never saw him after he left me.
Q Did you ever sue for a divorce? A I never did.
Q Did he? A Not that I know of; he might; I don't know.
Q Have you married since your separation from him? A No sir.
Q You have been living in the Cherokee nation since your separation?
A Yes sir.
Q You never lived anywhere else? A No sir.
Q How long had your husband been living in the Cherokee nation before you married him? A I can't tell you.
Q Do you know when he was admitted? A No sir.
Q You don't know anything about that? A No, I don't know; I went to the

capitol after he got his citizenship papers, but I never noticed.

Examination by Mr. Starr, Cherokee representative.

Q Were you at the court house when the divorce was granted between your husband and his former wife? A No, I was not.
Q You don't know the date the divorce was granted? A No sir.
Q Where were you living when you separated from William T. Christian? A No
A We were living five miles from Tahlequah.
Q Were you living on a place of your own? A No.
Q Whose place were you living on? A Gilbert Rose' . We was living with his foreman.
Q How long had you been living there? A We hadn't been there long; we lived before that in Coweescoowee, on the Bourbon place.
Q Did you make any effort to get Mr. Christian to come back and live with you? A I never saw him.
Q You was quite willing for him to go? A I would rather he staid if it was his will; if it wasn't of course I could not help it.
Q How long was it after he left before you heard from him? A I don't remember.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of herstenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 1,1902.

B O Jones
Notary Public.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Meggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1231
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pideock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Gunn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P Haynes	3897
Annie L Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhayer	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C Fuller	5781
Henry F Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hanks	7147
Otto J Zufall	7149
Rufus M. Norman	7155
Mary F Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W Thompson	7267
Melissa Booth	7271
Solon L Jackson	7273
Henry W Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A Martin	7323
Myrtle Robinson	7330
Allen L Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B Clapp	9502
Tennie Sanders	9503
Virgil A Wiltshire	9505
Joshua K Carr	9510
Herbert Kneeland	9518
Hugh E Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875
William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M Cox	9964
Jerusha E Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oneico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Striekler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Colher	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G W Williamson	D	1555
C F Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D A. Mounts	D	1967
J. C Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C Russell	D	2607
Priella Ross	D	2608
Tom W Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquin	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A Kelley	D	2803
Andrew O Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A Martin	D	2811
Jesse P Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D.	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S J Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G Nelson	D	3058
Alice Simeo	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied

..... Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number C D 1010

Muskogee, I. T., Feb. 17, 1902.

Mr. William T. Christian,

T a l a l a, I. T.

Dear Sir:

Lizzie Christian, your former wife, has applied to the United States Commission for enrollment, and she states that you and she are not living together now, and she says that you went off and left her, and she does not know the cause of your separation; that you and she were living ~~xx~~ on the river at her sisters, and that you went off to hunt a place that you were going to rent and left and never did come back; she says that she heard that you had taken up with another woman in Cooweescoowee District, and that that x was all sheknew about it.

Please advise us of the facts in this case and what was the cause of your separation, please write us thefull particulars of thesame, did you leave her, or did she leave you, write us any other facts that you may know that would affect her write to enrollment.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D

Please advise us if you had a divorce from your former wife before you married last one, and greatly oblige.

Yours very truly,

Attorney for the Cherokee Nation.

21 D1010

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 20 1902

COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mrs. Lizzie Christian,

Tahlequah, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-1010
Register.

Yours truly,

~~Acting Chairman.~~

Commissioner in Charge.

Yours truly
[illegible]

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 1010.

Muskogee, I. T., June 3, 1902.

Tahlequah, I. T.

Dear Sir:

Enclosed herewith find a notice which has been served on Lizzie Christian, who is the wife of Tatum Christian, and lives somewhere near Tahlequah. This woman is Tatum Christian's [illegible].

Yours truly,

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 1010.

Muskogee, I. T., March 3, 1902.

W. T. Christian, Esq.,

Talala, I. T

Dear Sir:

Enclosed herewith find a subpoena for Your attendance as a witness before the Dawes Commission at Muskogee on the 14th day of March, 1902. Kindly accept service of the subpoena by signing Your name in the blank ~~stamped~~ in red ink at the bottom of same, and return it to us by first mail; and also advise us if You will be here promptly on that date.

Yours truly,

'y'

C. D. 1010

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190..

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ....., 190.. .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Lizzie Christian on the 7th day of March A. D. 1902 Henry Pack

Subscribed and sworn to before me this March 8, 1902

J C Hearst
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 10 1902

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of ..... for enrollment as Cherokee citizens:

Case No. D .....

To .....:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on ..... at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

W. W. Hastings

Attorneys for the Cherokee Nation.

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Muskogee, I.T., March 11, 1902.

Citizen Marshal,

Tahlequah, I. T.

Dear Sir:

Enclosed herewith find a subpoena for Peter Christian to appear here on the 14th of March, 1902. Please serve at once and serve the same on Christian by delivering one copy to him and then endorse on the back of the other copy your return, stating when and where you served it, and return to us by first mail possible. This case comes for hearing the 14th, and we want this subpoena at once, and advise us if he will be here at that time. Send us your bill, and we will remit.

Yours truly,

Cherokee D-1212.

Muskogee, Indian Territory, June 20, 1902.

Lizzie Christian,

Tahlequah, Indian Territory.

Madam:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are directed to appear before this Commission at Muskogee, Indian Territory, on or before July 7, 1902, and furnish additional evidence as to whether or not your husband, William T. Christian, was divorced from his former wife at the time of his marriage to you. The document on file in this case purporting to be a certified copy of a decree of the Cherokee Circuit Court, Tahlequah District, shows that a divorce was granted between Tatum Christian and Lizzie Christian, but there is nothing to show the identity of Lizzie Christian mentioned in said decree, nor to establish the time when such divorce was granted.

Yours truly,

Commissioner in Charge.

Register

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALEXANDER L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1010.

Muskogee, Indian Territory, June 20, 1902.

William T. Christian,

Talala, Indian Territory.

Sir:

In the matter of the application of Lizzie Christian for enrollment as a citizen of the Cherokee Nation, you are directed to appear before the Commission at Muskogee, Indian Territory, on or before July 7, 1902, and testify as to whether or not you were divorced from your former wife at the time of your marriage to Lizzie Osborne on December 23, 1893.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D 1010.

Muskogee, Indian Territory, September 11, 1902.

John O. Rosson,

Tahlequah, Indian Territory.

Dear Sir:

On December 18, 1900, Lizzie Christain appeared before the Commission and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, claiming her right to enrollment as such by reason of her marriage to Tatum Christain on the 23rd day of December, 1893.

The Commission desires proof of divorce between the applicant's husband, Tatum Christain, or William T. Christain, and his former wife, Lizzie Christain. There is on file with the papers in this case a copy of a decree of divorce purporting to show that such divorce was granted, but the date has not been proven; neither has it been satisfactorily established that the Lizzie Christain therein mentioned was the former wife of Tatum or William T. Christain.

You are advised that Lizzie Christain, who states that she resides at Tahlequah, Indian Territory, has this day been directed to appear before you within fifteen days from date hereof in which

to furnish the Commission with the evidence above indicated.

Yours truly,

Acting Chairman.

Cherokee D 1010.

Muskogee, Indian Territory, September 11, 1902.

Lizzie Christain,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby desired to appear before the Commission to the Five Civilized Tribes, at Tahlequah, Indian Territory, and introduce further testimony as regards your right to enrollment as a citizen by intermarriage of the Cherokee Nation.

You are advised that there is a certified copy of the decree of divorce between Tatum Christain and Lizzie Christain on file with the papers in your case, but the date upon which this divorce was granted is not shown; neither does it appear that the Lizzie Christain mentioned therein is identified as the former wife of your husband.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
—
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D 1020

Vinita, Indian Territory, January 26, 1903.

Lizzie Christian,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you introduce testimony showing that the Lizzie Christian named in the decree of divorce filed in your case, was the former wife of your husband, William T. Christian; also evidence as to the date when such divorce was granted.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory on or before February 16, 1903. When you appear, please present this letter.

Respectfully,

Acting Chairman.

CCB

Cher. D 1010

Muskogee, Indian Territory, January 10, 1907.

Lizzie Christian,

Tahlequah, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn.----D----

Commissioner.

Cherokee D1010

Muskogee, Indian Territory, March 14, 1907.

Lizzie Christian,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

PPI

Commissioner.

Cherokee
P et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

[illegible] Christ and
[illegible] Church —
[illegible] Oct 13 1887
[illegible]

[illegible] Dec [illegible] 1893

[illegible]

[illegible]

[illegible]
[illegible] Church [illegible]
[illegible] Christian [illegible]
[illegible]

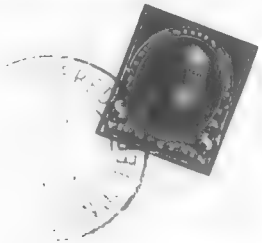
[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
OCT
1912
MUSKOLL INC. TER.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

031

Lizzie Cobb

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Little Christian,

Tahlequah, Indian Territory.

307

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Rec'd 32
Ans 30

Net
8032

William S. Christian
Salem

D 1010

IN THE MATTER OF THE APPLICATION OF

Lizzie Christian

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Cher D 1011

Cher D 1011

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 16 1901

ACTING CHAIRMAN.

DOUBTFUL, as to wife, Ona, and youngest child, Joseph V.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 14, 1900.

In the matter of the application of John H. Welch for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A John H. Welch.
Q What is your age? A About 56
Q What is your post-office address? A Nina Kansas.
Q What district do you live in? A Coweskoowee.
Q Are you a recognized citizen of the Cherokee Nation? A I am
Q By blood? A By blood.
Q Why do you desire to enroll? A Myself and wife and 3 children.
Q What is the name of your wife? A Ona.
Q Is she a citizen by blood? A By intermarriage.
Q What is her age? A She is 53
Q Have you any certificate of marriage to produce? A Yessir (Produces papers)
Com., (The applicant presents certificate to the effect that he was married to Ona Andrews on the 3rd day of May 1883.
Q What are the names of your children? A Charley.
Q Middle name? A No sir.
Q How old is he? A 16 years old.
Next child- A Jesse, a boy.
Q How old is Jesse? A He is about 12 years old.
Q Next one? A Next is Joseph V.
Q How old is he? A He is 7 years old.
Q You have been living with your wife continuously since you were married? A Yes sir.
Q Living with her now? A Yes sir.
Q Are these children all alive? A Yes sir, these children are all living.
Q Are you the first husband of Ona Andrews? A Yes sir.
Q Is she your first wife? A Yes sir.
Q Is your first wife living? A I suppose so.
Q When did you marry her? A I married her in Texas. And we separated; she was divorced, - raised family, I don't know where she is.
Q Was she divorced? A Yes sir, I suppose so, she married again. Married to Cherokee named W.F.Keatings.
Q Who is the mother of Charley and Jesse? A The mother of these children was named Johanna Wensley.
These children I suppose belong to me, and I have got letters of guardianship for them.
Q Have you got them in your custody? A I have got them ever since they was little bits of things, and I enrolled them on the 1896 roll, and I had them long before that; I obtained letters of guardianship some years ago.
By Commissioner Needles:
Q Is Johanna Wensley living? A I don't know.
Q She is the mother of Charley and Jesse? A Yes sir.
Q Who is the mother of Joseph V.? A My present wife.
Q Have you any proof of divorce between yourself and first wife? A No sir, I haven't.
Q You don't know whether she was ever divorced or not? A I do not, only by hearsay; I heard that she was divorced and raised a family. And her two boys came to this country, and they informed me that she was divorced and married again, and spoke to me about her children, and then I saw a letter from their half-brothers to these boys that came from Texas. And then afterwards I married

again; I was married twice since then, and I was arrested for it,- taken up and tried and sent away on the charge of bigamy, and the last woman that I had married then, that I was sent off for, she married again after I left, and I guess-then I came back I married this woman that I am living with.

Q This is your third wife, then? A She is my fourth wife; they claim that the third time I was married it was illegal.

By Commissioner Wolfe, instead:

Q Tell us what you were convicted for? A Yes sir.

Q And you found your last wife married when you came back?

A Yes sir.

By Counsel Moulton:

Q That is, your wife before you married your last wife, you found she was married when you came back from prison? A Yes sir.

Q Have you any children by her? A Had one child.

Q Is it living? A I don't know anything about that child.

Q Is this wife you had before was an Indian- A No sir, she is a white woman; married a white man, down there at Mt. Smith.

Q You came back from prison here the year about 1893?

A Yes.

Q And married Sue Andrews in 1897? A Yes sir.

Q And have been living with her continually ever since? A Yes sir.

Q And you have one child by her? A One by her.

1880 roll page 222 Class John E. Welch Pilot native

1880 roll page 222 Sarah John E. Welch Illinois

1880 roll page 237 Jesse Sue Welch "

1880 roll page 237 Charley E. Welch "

1880 roll page 237 Joseph Welch "

1880 roll page 237 Alice John Anna Tensley Delaware native Cherokee

Q Is your wife living? A She has been enrolled; he was enrolled at Tahlequah as J.E.Welch; he was on the 1880 roll.

Q The children are all living now with you? A Yes sir.

Counsel in chief: The name of John E. Welch is found upon the Cherokee roll of 1880 as well as the census roll of 1896; he presents a satisfactory proof of marriage to Sue Andrews, a non-citizen, certifying that he was married on Aug 3, 1893; he avers that he has 2 children, Charley and Jesse, children of Johanna Tensley, a Cherokee and son by blood, and the name of Johanna Tensley appears upon the authenticated roll of 1880; he also avers that he has one child, Joseph V., by his present wife, whose name does not appear upon the census roll of 1896, having been born since such was compiled; proof of age are all duly identified according to page and roll as indicated in the testimony, consequently, said John E. Welch, and his children, Charley and Jesse will be duly listed for enrollment as Cherokee citizens by blood; the status of the child as the enrollment of his wife Sue and his child Joseph V by said wife is suspended, and their names will be placed upon a doubtful card, awaiting proof of birth as to Joseph V Welch and the decision of the Commission as to the citizenship of his wife, Sue, and of said child Joseph V., by reason of his former marriage, the facts in the case being fully set forth in the testimony.

---- ---- ---- ---- ---- ----

W.D.Green, being first duly sworn, states that as stenographer to the Commissioners the Five Civilized Tribes he correctly recorded the testimony & proceedings in this case & that the foregoing is a true & complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 10, 1902.

Commissioner.

D1011

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

ACTING CHAIRMAN

R.

C. D-1012.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Sue Welch for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant having this day, to-wit: the 14th day of March, 1902, not been called, and failing to respond it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commissioner to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 28th, 1902.

In the matter of the application of Sue Welsh for the enrollment of herself as a citizen by intermarriage and her son, Joseph V. Welsh, as a citizen by blood of the Cherokee nation.

Supplemental to R-1811.

Appearances:
Applicant appears by her husband, John Welsh.
Cherokee nation appears by W. W. Hastings.

John Welsh, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. John Welsh.
Q. How old are you? A. I am about 54 years old.
Q. What is your post office address? A. My post office now is Hutchins, Indian Territory.
Q. How often have you been married? A. I was married in Texas first.
Q. How many times? A. I have been married four times.
Q. What was the name of your first wife? A. My first wife--Mary.
Q. Maiden name? A. She was a widow when I married her. Heller.
Q. How long did you live with her? A. I lived with her about four years.
Q. Were you divorced from her? A. No, sir; I left there and afterwards she procured a divorce.
Q. What was the name of your second wife? A. My second wife was a Cherokee.
Q. What was her name? A. Rebecca Merris.
Q. How long did you live with her? A. I lived with her about six years.
Q. Were you divorced from her? A. She died.
Q. After her death who did you marry? A. After her death I married a Chandler. Eliza Chandler.
Q. How long did you live with her? A. I lived with her about three years.
Q. Were you divorced from her? A. She was divorced, got a divorce in Judge Tehee's court.
Q. Who did you marry after that? A. Willms.
Q. What was her given name? A. Clarie. She became dissatisfied on account; she claimed that the person performing the ceremony wasn't an ordained minister of the gospel. She claimed that it was no marriage and we separated.
Q. Who married you? A. A fellow by the name of Merris.
Q. Is she the mother of these two children? A. No, sir.
Q. Who is the mother? ~~Ex~~ A. They are by a Cherokee woman.
Q. Their mother was a Cherokee? A. She was a Cherokee.
Q. Were you ever married to her? A. No, sir.
Q. Ever live with her? A. Never lived with her a day.
Q. Who did you marry after the separation from your wife that you just spoke of. A. You asked me at the start--I am speaking of it as being legally married. I was married four time legally.
Q. You lived with five women? A. Yes, sir.
Q. What is the name of the firth woman? A. Sue Andrews.
Q. When were you married to her? A. 1892.
Q. Cherokee or white? A. She is a white woman. She said she was Cherokee and her mother also swore it but never proved her rights ~~in~~ in the country.

Q. Now, if I understand you correctly, you were divorced from your first wife and lived with your second wife until she died?
A. Yes, sir.
Q. Your third wife? A. Divorced.
Q. Divorced from her? A. Yes, sir.
Q. The fourth, you claim you were never married? A. Never married.
Q. The fifth woman is your present wife? A. Yes, sir.
Q. How long did you live with this fourth woman? A. I lived with her about 2 years. Not two years. Lived with her about 9 months. Lived with this one about 9 months.
Q. Did you have any children by her? A. I didn't. I didn't have any children.
Q. Were there any children born? A. There was a child born but I claim it didn't belong to me.
Q. When was it born? A. It was born before 9 months from the time we commenced living together.
Q. How long had you known her before you commenced living with her?
A. I knew her for only a short while.
Q. During these nine months did you live together as man and wife?
A. Yes, sir.
Q. You introduced her in the neighborhood as your wife? A. Yes, sir.
Q. She recognized you as her husband? A. She did until she found that out.
Q. What led you to believe that the man performing the ceremony wasn't authorized to do so? A. Simply because I saw his credentials. He was only a deacon.
Q. He wasn't an ordained minister? A. No, sir.
Q. What was his name? A. Morris.
Q. What is his given name? A. Parker Morris.
Q. What was he? I mean what was his citizenship? A. Cherokee.
Q. Where was he living? A. Geingsnake.
Q. Where were you living? A. I was living in Flint district.
Q. About how far from him? A. I was living, I suppose, about 10 miles.
Q. Had you known him before he performed the ceremony? A. Yes, sir.
Q. For how long? A. Since I was a boy, but I thought he was an ordained minister.
Q. Did he ever preach the gospel out there? A. No, he never had preached. I never heard of his preaching at all.
Q. How long after your so-called marriage was it that you found out that he wasn't an ordained minister? A. Well, it was some 6 or 8 months.
Q. Well, you continued living together? A. No, we separated.
Q. The first time you said two years, then you said nine months.
A. Then I recollected and said it was 9 months.
Q. How much was it? A. It was---I said the child was born in less than 9 months. That is the reason, the child was born in less than 9 months after she left me; less than 9 months after she left. It was born in less than 9 months from that time.
Q. From the date of your marriage until the birth of this child less than 9 months had expired? A. Yes, sir.
Q. Was your present wife ever married before she married you?
A. No, sir.
Q. How long had you known her before you were married? A. I had known her quite a while; I suppose a year.

Examination by Mr. Hastings.

Q. Did you ever hear of her being married before? A. No, sir.
Q. Have you any reason to believe she had been married?
A. She never had been married. Now, I will tell you. They arrested me and carried me to Fort Smith on that very charge. They summoned Parker Morris and Barker Morris, for the purpose of having

himself, swore he was a minister. They convicted me there and sent me away. And then, after I came back I married this woman. I lived with another woman down in the state of Arkansas down there and she came up and they arrested me on that question, and she claimed then, this woman did, that she was my wife, and Morris came up and thought he would get into it and he testified to this. He only had credentials as a deacon.

Q. What was the name of this Arkansas woman? A. Rizzell.

Q. How long didyou live with her? A. I only lived with her a short time.

Q. Were you married to this woman in Arkansas? A. They claimed that I was. She swore that I was.

Q. Do you know whether you were or not? A. The man that performedthat ceremony, I didn't consider that he was authorized to do so.

Q. Who was it? A. He was a man up in her country.

Q. Don't you know as a matter of fact that he was an ordained minister? A. No, sir; I don't. He would get up and talk sometimes. I don't know whether he was or not. I was arrested and sent off for that thing.

Q. How long did you say you lived with that woman? A. About a year. Something nearly a year.

Q. Did you have any children by her? A. She had two, as I am told. I don't know.

Q. Were these children born during the time you lived with her?

A. There was one.

Q. When was itborn? A. I don't know.

Q. Have you ever seen either child? A. I saw one.

Q. The one that was born afterwards? A. No, sir.

Q. How long after your conviction for bigamy was it before you married your present wife? A. It was——

Q. Is there any further statement you desire to make relative to your case and the case of your wife? A. No, I believe not. Nothing more than I stated. I said that she had two children, This last woman. I ask the youngest one to be enrolled. If you desire anything I would like to know it.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and swern to before me this 17 day of July, 1902.

Notary Public.

[illegible] of the [illegible] of [illegible]

[illegible]

[illegible]

[

Cher
Supp'l to D 1011

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of SUE WELCH, for the enrollment of herself as a citizen by intermarriage, and her son, JOSEPH V. WELCH, as a citizen by blood, of the Cherokee Nation:

JOHN E. WELCH, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A John E. Welch.
Q How old are you ? A I am fifty six.
Q What is your post office address ? A Edna, Kansas.
Q You are a Cherokee by blood ? A Yes sir.
Q What is your wife's name ? A Sue.
Q She is a white woman ? A Yes sir.
Q Is she an applicant for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q When were you married to your wife Sue ? A In 1892.
Q Where were you married to her ? A In the Territory.
Q Had you ever been married before your marriage to your wife Sue ?
A Yes sir.
Q How many times before ? A I have been married five times.
Q What was your first wife's name ? A Her name was Mary.
Q Was she living or dead when you were married to your wife Sue ?
A We were divorced. We separated and she was divorced.
Q Have you filed a copy of your divorce with the Commission, from your first wife ? A No sir.
Q What court were you divorced in ? A In the courts of Texas.
Q What county ? A Parker county. The reason why I can't get the papers is the court house was burned and the records burned up with it.
Q Have you testified to that before the Commission ?
A I have stated that before the Commission at Tahlequah when I made my application for enrollment.
Q Well, did you offer any proof other than your own statement as to the divorce ? A No sir they didn't require it.

The Commission: Well now, Mr. Welch, in the absence of a certified copy of the decree, you should submit to the Commission testimony showing the destruction of the court records where this decree of divorce was obtained; and evidence showing that a divorce was obtained by you from your first wife, or by her from you.

Q Now then what was the second wife's name ? A She was a Cherokee; she died.
Q Before you married this woman ? A Yes sir.
Q Then your third wife ? A She was a white woman.
Q Was she living or dead when you married Sue ?
A Why she was living.
Q Had you been divorced from her ? A Yes sir, by the court in Flint District.
Q Have you filed a copy of that ? A I have not; they never required it of me.

The Commission: Well, it will be necessary, for your wife's enrollment, to file that.

Q Now your fourth wife, what was her name ? A Clara Willis.
Q Was she living or dead when you married your wife Sue ?
A There was some informality, or she claimed there was, in regard to the marriage, and she quit me; and afters I married to another

woman, and she brought suit against me and the court at Fort Smith held that it was a legal marriage, and they convicted me of bigamy, and after I served out the judgment of the court I came back here, and married another woman, and she separated from me and she sued for divorce also. That was the woman I was living with after I married this woman I was living with her, and she sued me for bigamy and when I was serving out the judgment of the court, she sued for divorced, and her's the certificate of the clerk. She went before the court at Van Buren, Arkansas.
Q Was Artie your third or fourth wife ? A She was the last woman I lived with before I married the present woman; she was the fifth.

The Commission: The applicant files a certificate from the Circuit Clerk of Crawford County, State of Arkansas, certifying that Artie Welch was granted a divorce from John E. Welch, by the circuit court of that county on the 16th day of July, 1891. The date of the certificate showing when the divorce was granted has been partially erased, so that it is impossible to show just what year the divorce was granted.

Q Mr. Welch was this erasure of this figure made when you got the certificate ? A That's just like it was when I received it. You have it now just as I received it.
Q Now then after you separated from Artie Welch, you married your present wife Sue ? A Yes sir.
Q When did you say you married her ? A It was in 1892 or 1893 I think.
Q Well, had your wife Sue ever been married before she married you ? A No sir.
Q You are her first husband ? A Yes sir.
Q She is your fifth or sixth woman ? A She is my sixth woman.
Q Have you and your wife Sue lived together from the time you were married up to now ? A Yes sir.
Q Never separated ? A No sir.
Q Were you and she living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q Has she lived in the Cherokee Nation all the time with you since you were married ? A Yes sir.
Q Who is this child Joseph V ? A He's our first child living.
Q Is Joseph V., your child by your wife Sue Welch ? A Yes sir.
Q Born after you were married ? A Yes sir.
Q Is that child still living ? A Yes sir.
Q And has lived all its life in the Cherokee Nation ? A Yes sir.

Examined by J. C. Starr:

Q What was the name of your third wife ? A She was Mack Morris' daughter and lived down there in Goingsnake.
Q What was her name ? A Rebecca.
Q What was the fourth wife's name ? A Clara Willis.
Q What was the fifth ? A Artie.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 11, 1902.

B. W. Jones
Notary Public.

Cherokee D 1621

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sue Welch as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Joseph V. Welch, as a citizen by blood of the Cherokee Nation.

DECISION.

---oOo---

The record in this case shows that on December 18, 1900, John E. Welch appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of Sue Welch as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Joseph V. Welch, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 28, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Sue Welch was married on May 3, 1893, to John E. Welch, a citizen by blood of the Cherokee Nation. It appears from the evidence that the said John E. Welch had a living wife from whom he was not divorced at the time of his marriage to his present wife, Sue Welch. Joseph V. Welch is shown, by the evidence, to be the issue of the marriage of John E. Welch to his wife, Sue Welch.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 692 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The evidence further shows that the parents of the minor child, Joseph V. Welch, have continuously resided in the Cherokee Nation since their marriage, and it is considered that the residence of the said Joseph V. Welch, since birth, has been with his parents.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sue Welch as a citizen by intermarriage of the Cherokee Nation, should be denied, and that Joseph V. Welch should be enrolled as a citizen by blood of the Cherokee Nation

In accordance with the provisions of the Act of Congress above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this DEC - 1 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1011.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of John E. Welch for the enrollment of his wife, Sue Welch, as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Joseph V. Welch, as a citizen by blood, of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 6.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1011.

Muskogee, Indian Territory, January 13, 1903.

W. W. Hastings,

Attorney for Cherokee Nation.

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, rejecting the application of John E. Welch for the enrollment of his wife, Sue Welch, as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Joseph V. Welch, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on December 2, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1011

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, rejecting the application of John E. Welch for the enrollment of his wife, Sue Welch, as a citizen by intermarriage, and granting his application for the enrollment of his child, Joseph V. Welch, as a citizen by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 17, 1903.

Respectfully,

Chairman.

IN THE MATTER OF THE APPLICAT

Lee Welch

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 15/00.

B Memo.

C Marriage [illegible]

D Birth [illegible] Joseph V. Welch.

E Notice of final consideration, 3/14/02

See Cherokee Patchet No. 6479.

Cher D 1012

Cher D 1012

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 16 1901

ACTING CHAIRMAN.

SUPPLEMENTAL, to D 870, Mollie Bates, et.al. 4 copies with Walter Bates.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 18, 1900.

In the matter of the application of Mollie Bates for the enrollment of herself and children, also for the enrollment of her husband, WALTER BATES, as a Cherokee citizen; being sworn and examined by Commissioner Needles she testified as follows:

Q What is your name? A Mollie Bates.
Q No middle name? A No sir.
Q How old are you? A I am 32
Q What is your post-office address? A Tahlequah
Q What district do you live in? A Tahlequah District.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Your blood? A Yes sir.
Q Who do you want to enroll? A Enroll myself and children.
Q Are you married? A Yes sir.
Q What is your husband's name? A Walter Bates.
Q Is he living? A Yes sir.
Q Do he apply for his enrollment too? A Yes sir, I guess so. He is an adopted citizen.
Q Where is he? A He has been sent to prison.
Q How old is he? A He is 33
Q Have you any certificate of citizenship? A Yes sir.
Q Have you got it with you? A No sir, I have got it at home.
Q When were you married? A I was married in 1884.
Q To Walter Bates? A Yes sir.
Q What are the names of your children? A Nicholas Sanders.
Q How old is Nicholas? A He is 15
Q Next child? A Carrie Sanders.
Q How old is Carrie? A She is 17.
Q Name of the next child? A Nancie Bates.
Q How old is Nancie? A She is 12.
Q Who is the father of Nicholas and Carrie Sanders? A Nicholas Sanders.
Q Is he living? A No sir, he is dead.
Q Was he your first husband? A Yes sir.
Q He died before you married Bates? A Yes sir.
Q What was your name in 1880? A Our names are not on the 1880 roll; my father A.H.Tankersley left his certificate here.
Q What is the name of your next child? A Beulah.
Q How old is Beulah? A 3 years old.
Q Have you proof of birth as to Beulah? A Yes sir (Produces papers)
By Cherokee Atty W.W.Hastings:
Q Where were you living in 1880? A I was living at Wauhillau in Tahlequah District.
Q Where were you born? A I was born in Georgia. But I was about a year old when they moved here.
Q You moved here about 70 or 71? A Moved here about '68 I guess; I was just a year old; I was born in 1868.
By Com'r Needles:
Q Did you come here with your father when he came? A Yes sir
Q You have been living here ever since? A Yes sir.
Com'r: The applicant refers to a certified copy of an act of the Cherokee Council filed in the case of her father, A.H.Tankersley, certifying that A.H.Tankersley was admitted to citizenship as a Cherokee by blood entitled to all the rights and privileges on Friday morning, April 7, 1871. She also refers to the testimony of her father, Augustus H. Tankersley, case #6579.

NOTE: It is [illegible] that applicant was enrolled a few days ago, and this is taken as supplemental testimony in regard to her.

Q When will your husband be back? A It will be a little over a year I guess.

[illegible] roll page 1275 did Walter L. Yates [illegible] intermarried

Q You didn't apply for it [illegible] other day? A No sir.

Q [illegible] your husband married to you in accordance with the laws of the Muscogee Nation? A Yes sir.

Q You had a regular [illegible] like that? A Yes sir.

Q Have you got them at home? A No sir, I haven't got them at home; he sent them back to the clerk's office after we was married, to have them recorded, and never did get them.

Q [illegible] know whether they are in the clerk's office now or not, have an [illegible]? A [illegible], I don't know.

Q Did you live with your husband [illegible] A Yes sir.

Q [illegible] A At Ft. Leavenworth.

Cap'n Meadles: Mollie Yates is duly identified as the [illegible] of Augustus L. Tomlinson, who was enrolled on card 4579; satisfactory proof has been made as to her citizenship; reference is made to the testimony and certificate [illegible] in the case of her father, 6579, [illegible] proof has been made as to her marriage, consequently the [illegible] children Cornelia and Douglas Sanders [illegible] Yates should be regularly listed for enrollment as Choctaw citizens by blood, on their mother's card, D card 570 [illegible] card. [illegible] proof is presented as to the marriage of herself to Walter L. Yates, [illegible] dead; [illegible] Sanders, [illegible] deceased; [illegible] is found upon the census roll of 1896; upon proper showing of proof as to the marriage of her to said Walter L. Yates [illegible] be duly listed for enrollment as a [illegible] citizen, [illegible] has now been [illegible] at Fort Leavenworth, Kansas; said [illegible] doubtful card.

I, D. Green, being duly sworn, state that I have transcribed to the foregoing the testimony taken before the Commission in the matter of the application of Mollie Yates for enrollment as a Choctaw citizen by blood, and that the foregoing is a true and complete transcript of the stenographic notes of said proof.

D. Green

Subscribed and sworn to before me this December 15, 1900.

A. McCune

Commissioner

D1012

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
APR 1 1902

ACTING CHAIRMAN

R.

C. D-1012.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Walter L. Bates for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision basedupon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

[illegible]

[illegible] TO THE [illegible] TRIBES

FILED

DEC 1 1902

[illegible] Acting Chairman

Cherokee D-1013.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1903.

In the matter of the application of Walter L. Bates for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Walter L. Bates.
Q How old are you? A Thirty-four years old.
Q What is your postoffice? A Tahlequah.
Q Are you an applicant for enrollment as an intermarried citizen?
A Yes sir.
Q What is your wife's name? A Mollie Bates.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to your wife, Mollie Bates? A In '94.
Q Married under a Cherokee license? A Yes sir.
Q Have you filed your license? A Yes sir.
Q Were you ever married before you married, Mollie Bates? A No sir.
Q Was she ever married before her marriage to you? A Yes sir.
Q How many times had she been married when you and she were married?
A Once.
Q What was her first husband's name? A Sukey Sanders.
Q Was he living or dead when you and your wife, Mollie, married?
A He was dead.
Q She is your first wife? A Yes sir.
Q You are her second husband? A Yes sir.
Q Have you and she lived together from the time of your marriage up to the present time? A Yes sir.
Q Never have been separated? A No sir, never have been separated at all.
Q You and she living together on the first day of September, 1902, as husband and wife? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to your wife, Mollie? A Yes sir.
Q Never lived out of the nation since your marriage? A No sir, never lived out.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. G. Rothwell

Subscribed and sworn to before me this 28th day of November, 1903.

B. O. Jones
Notary Public.

IN THE MATTER OF THE APPLICATION OF

Walter L. Bates

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Original Testimony Rec'd 18

Memo Rec'd 18/00

Notice of final consideration, 3/14

See Cherokee Jacket No D 87

Cher D 1013

Cher D 1013

Supposing a big bamboo to be the main stem of a tree and the branches and twigs to be the ribs and veins of a leaf, the Commissioner will find the Civil Engineer, Bangalore, and the Forest Officer, Mysore, to be the leaf-stalk and the Civil Engineer, Bangalore, to be the blade of the leaf.

W.D. Greaves,
Chief Engineer.

"Bangalore, 1st April, 1901."

Mr. Greaves's letter is a very valuable one and I am sure that the Commissioners will be grateful for the information it contains. It is clear that the Forest Department and the Civil Engineer, Bangalore, are the two departments which are most closely concerned in the question of the bamboo and that the Forest Department is the stem and the Civil Engineer, Bangalore, is the blade of the leaf.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 18, 1900.

In the matter of the application of George Hazlewood for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A George Hazlewood.
Q What is your age? A 55
Q What is your post-office address? A I have been living here for the last twenty years, I have been away about two years; I have been at Claremore.
Q What is your post-office address now? A Claremore.
Q In what district do you live? A Cooweescoowee.
Q Are you arecognized citizen of the Cherokee Nation by blood? A No sir, intermarriage.
Q Who do you desire to enroll? A Three children.
Q What are the names of your children? A Maud, Wenona and Claude.
NOTE: It is found that these children have been enrolled.
Q Do you want to enroll yourself? A Yes sir.
Q Is your wife living? A No sir, been dead five years.
Q What is your wife's name? A Luvina Proctor when we married.
Q When were you married? A In 1886.
Q Have you got proof of marriage? A Yes sir.

W.W.Ross, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A W.W.Ross.
Q What is your age? A 49.
Q What is your post-office address? A Tahlequah.
Q Did you hold any official position in the Cherokee Nation in 1886? A Yes sir.
Q What was it? A Superintendent of the Male Seminary.
Q You know George Hazlewood? A Yes sir.
Q You know his wife, Luvina? A Yes sir.
Q You know whether they were married or not? A Yes sir, I was present when they married.
Q Did he have a license? A I don't know; they was married by the District Clerk.

APPLICANT RECALLED:

Q Have you married since your wife died? A No sir.
Q Did you live with her continuously from the time of your marriage until she died? A Yes sir.
Q How about the marriage license? A I give them to Allen.
Examined by Cherokee Rep've W.W.Hastings:
Q Did you look to see if they were on record? A The books were all burned.
Q Who signed your petition? A I don't recollect a one who signed the petition.
By Com'r Needles:
Q Is the man who is sued the license living? A No sir.
By Hastings:
Q Are you your wife's first husband A No sir. Charlie Proctor was her first husband.
Q Was he dead when you married her? A No.
Q Was he divorced from her? A I reckon so.
Q Do you know it? A No sir, I don't know it.
By Com'r Needles:
Q Were you ever married before you married her? A Yes sir.

Q Was your wife living when you married her? A No sir.
1880 roll page 791 #1645 Levina Proctor Tahlequah native Cher
1896 roll page 1282 #115 George Hazlewood Tahlequah

Com'r Needles: The name of George Hazlewood appears upon the census roll of 1896; he avers that he was married in the year 1886 to one Luvina Proctor, a Cherokee citizen by blood, and her name appears upon the authenticated roll of 1880, she being now deceased; said George Hazlewood is duly identified according to page and number of the roll as indicated in the testimony; he makes satisfactory ~~xxxxxxxxxxxxxxxx~~ oral proof as to his marriage with said Luvina Proctor, but makes no proof of having been married according to the laws of the Cherokee Nation by having procured license, consequently final judgment as to the enrollment of said George Hazlewood will be suspended andhis name will be placed upon a doubtful card awaiting proof of having obtained license in accordance with the laws of the Cherokee Nation.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this ~~xxxxxxxxx~~ January 14, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 18 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

Name 22 George Hazlewood Clarmore Ind T.

District TAHLEQUAH. Year 1896 Page 1282 No 115

Citizen by blood NO Mother's citizenship

Intermarried citizen (No)

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Check up having obtained Cherokee marriage license to be supplied also certificate

Dropped

COMMISSION TO THE FIVE CIVILIZED TRIBES
NOV 4 1902
RECEIVED

R 1013

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Western District. } ss.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the ..... day of ..... 190 , at ..... M , and duly recorded in Book ..... , Marriage Record, Page .....

WITNESS my hand and seal of said Court at Muskogee, in said Territory this ..... day of ..... , A. D. 190...

Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 4 1902

D1013

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Western District. } ss.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the ..... day of ..... 190..., at ..... M., and duly recorded in Book ....., Marriage Record, Page .....

WITNESS my hand and seal of said Court at Muskogee, in said Territory this day of ....., A. D. 190...

Clerk.

By ..... Deputy.

Form N

CERTIFICATE OF TRUE COPY.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
W. N. District. } ss:

I, , Clerk of the United States Court in the W. N. District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true, and correct copy of a ~~[illegible]~~ marriage license filed in my office on the 9 day of Sept. , 1901 ~~at o'clock M., and licensed [illegible] filed~~ , 190

WITNESS my hand and seal of said Court at Muskogee , in said Territory, this 30 day of Oct. , A. D. 1902

By R. A. Bayne, Deputy Clerk. Clerk and Ex-Officio Recorder

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Western District. } ss.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the day of 190 , at M., and duly recorded in Book , Marriage Record, Page

WITNESS my hand and seal of said Court at Muskogee, in said Territory this day of , A. D. 190

Clerk.

By Deputy

D 1013

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 4 1902

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
~~Western~~ Northern District } ss.

No. ~~[illegible]~~ 61

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. George Hazzlewood of Tahlequah, in the Indian Territory, aged 40 years, and Miss Mary Fish, of Tahlequah, in the Indian Territory, aged 23 years, according to law, and do you officially sign and return this License to the parties therein named

WITNESS my hand and official seal at Muskogee, Indian Territory, this 5th day of July, A. D. 1901.

Chas. A. Davidson
Clerk of the U. S. Court.

By R. C. Hunter Deputy

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
Western District. } ss.

I, E. P. Robertson, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 7th day of July, A. D. 1901, did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

~~WITNESS my hand this~~ 8th day of July, A. D. 1901.

My credentials are recorded in the Book of the Clerk of the United States Court, Indian Territory, ~~Western~~ Northern District.

Book A, Page 135

E. P. Robertson
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory from whence it was issued within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars ($100.00).

PHOENIX PRINT MUSKOGEE

S U P P L E M E N T A L T E S T I M O N Y .

D.#1013.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 26th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of GEORGE HAZELWOOD as a citizen of the Cherokee Nation:

T. W. FOREMAN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A T. W. Foreman.
Q What is your age, Mr. Foreman? A 41.
Q What is your post office address? A Tahlequah.
Q Do you know George Hazelwood? A I do, yes, sir.
Q Do you know his wife? A Yes, sir.
Q What was her name? A Louvena Townsend was her maiden name.
Q What was her name when Mr. Hazelwood married her? A She went by the name of Proctor, I think her first husband was a Proctor.
Q Do you know whether he had a marriage license issued by the authorities of the Cherokee Nation to marry or not? A I don't know, the license; I signed his application for the license.
Q And that is all you know about it? A Yes, sir; I know the application was gotten up by my brother-in-law; that is all I know, I never saw the license.

EVARTS THORN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Evarts Thorn.
Q How old are you, Mr. Thorn? A 49.
Q What is your post office address? A Tahlequah.
Q Do you know George Hazelwood? A Yes, sir.
Q Do you know his wife, Luvina? A Yes, sir.
Q State what you may know about him procuring a marriage license in accordance with the laws of the Cherokee Nation to marry his wife? A All I know I signed his petition, Mr. Foreman and several others.
Q You do not know whether the license were issued or not?
A No, sir.

T. W. FOREMAN, re-called, testified as follows:

Q Mr. Foreman, how long did you know George Hazelwood? A I have known him for 20 years.
Q How long did you know his? A I have known her ever since she was a child, she lived right there near Tahlequah.
Q Do you know that George Hazelwood and his wife lived together as man ad wife? A Yes, sir.
Q How long to your knowledge? A Up to her death, for probably 12 or 15 years.
Q They lived together as man and wife? A Yes, sir.
Q They were recognized in the community as man and wife?
A Yes, sir.
Q He held her out as his wife and you know of your own knowledge that they lived together and were recognized as husband and wife?
A Yes, sir.
Q They lived on your farm? A Yes, sir. And on my brother-in-law's right around Tahlequah for years.

---oooOOOooo---

Supl.-D.#1013--2.

J. O. Ros on, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the t estimony and proceedings in this case, and that the foregoing is a t rue and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 27th day of March, 1901.

~~Commissioner.~~
W M Green
(a Notary Public)

D1013

DEPARTMENT OF THE INTERIOR
COMMISSION OF THE FIVE CIVILIZED TRIBES
RECEIVED
APR 1 1902
ACTING COMMISSIONER

the Cherokee Leader to be a strong advocate of the Dawes Commission, I am informed that the Cherokee Leader is a strong advocate of the Dawes Commission, and that the Cherokee Leader is a strong advocate of the Dawes Commission, and that the Cherokee Leader is a strong advocate of the Dawes Commission, and

R.

C. D-1013.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of, George Hazelwood for the enrollment ofhimself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and thaten said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 9 1902
ACTING CHAIRMAN.

1013

Chero. D -1012.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 9, 1903.

In the matter of the application of Walter L. Bates for enrollment as a citizen of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

The applicant in this case was notified by registered letter February 26, 1903, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 14th day of March, 1903, at its offices, in Muskogee, Indian Territory, On said day the case was called and there being no appearances either by the applicant or by his attorney the record in the case was deemed completed.

On March 17th, 1903, there was received from the applicant a letter stating that it was impossible for him to appear before the Commission on the 14th day of March and requesting that he be permitted to introduce further testimony at a later date respecting his application. He this date, the 9th day of April, 1903, appears in person.

Q What is your name? A Walter L. Bates.
Q How old are you? A I will be 34 years old in June.
Q What is your postoffice address? A Tahlequah.
Q You are the husband od Mollie Bates? A Yes sir.
Q She is a Cherokee by blood? A Yes sir.
Q You claim your right to enrollment by virtue of your marriage to her under Cherokee law, do you? A Yes sir.

There is offered in evidence a license issued by T.W. Triplett, Clerk of Tahlequah District, Cherokee Nation, authorizing the marriage of Walter L. Bates, a citizen of the United States, and Mrs. Mollie Sanders, a citizen of the Cherokee Nation, and a certificate showing that they were united in matrimony by James A. Orr, a Minister of the Gospel, on the 26th day of July, 1894.

Q Was your wife ever married before she married you? A Yes sir.
Q What was the name of her first husband? A Sickey Sanders.
Q Was he dead when you married her? A Yes sir.
Q When this application was made by your wife for your enrollment in 1900, you were in the penitentiary at Leavenworth, Kansas? A Yes sir.
Q When were you sent to the penitentiary? A On the 16th day of September, 1898.
Q From the time of your marriage until the time you were arrested and taken to the jail did you and your wife live together continuously as husband and wife? A Yes sir.
Q When were you released from the penitentiary? A On the 16th day of January last, 1903.
Q Where did you go immediately upon your release? A Come to Tahlequah.
Q Are you now living with your wife? A Yes sir.
Q You began to live with her continuously since January? A Yes sir.
Q Were you ever married before you married her? A No sir.
Q You are living with your wife at this time? A Yes sir.
Q After your marriage in 1894 up until the time of your conviction in 1898 did you make your home in the Cherokee Nation continuously? A Yes sir.
Q And since your release your have been in the Cherokee Nation? A Yes sir, been here ever since.

S- W.L.B.

The undersigned, being duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

E. G. Fitzhugh

Subscribed and sworn to before me this 8th day of April, 1902.

Philip L. Rinker
Notary Public.

R.
Cher. D-1013.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., September 29, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of GEORGE HAZLEWOOD as a citizen by intermarriage of the Cherokee Nation.

Appearances:
William F. Rasmus, attorney for applicant.

GEORGE HAZLEWOOD, being firs duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A George Hazlewood.
Q How old are you? A Going on fifty-five.
Q What is your post office address? A Tahlequah.
Q You have heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation?
A yes sir.
Q Were you ma ried to a citizen by blood of the Cherokee Nation?
A Yes sir.
Q What was her name? A Louvina Proctor.
Q Is she living? A No sir.
Q Did you and she live together continuously until the time of her death? A Yes sir.
Q Do you claim your right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of your marriage to her?
A Yes sir, we lived right here in Th lequah all the time.
Q Were you married to her according to the laws of the Cherokee Nation? A Yes sir.
Q Have you a marriage license and certificate? A No, that got lost, the papers burned up here.. Uncle Allen Ross married us.
Q Have you had the marriage records at the Executive Department of the Cherokee Nation examined? A Yes sir/
Q With what result? A They said they could not find them.
Q There was no record showing your marriage according to Cherokee law? A No sir.
Q When were you married to your wife Louvina? A About 1886, I think.
Q Did you and she live together continuously from that time until she died? A Yes sir. She died right here in town.
Q Were you ever married before you married her? A Yes sir.
Q What was the name of your former wife? A Kittie Price.
Q Was she living when you married Louvina Proctor? A yes sir, divorced from her.
Q Have you filed with the Commission a certified copy of your decree of divorce from your former wife? A No sir.
Q In what court was the divorce obtained? A In Miami County, Kansas
Q Was that divorce granted before you were married to Louvina Proctor? A Yes sir, six or seven years.
Q Was your wife, Louvina Proctor, ever married before she married you? A She lived with Charlie Proctor, but I don't think they were married.
Q How long did they live together? A I don't know how long, I didn't know him at that time.
Q She was known, when you married her, by the name of Louvina Proctor
A Yes sir.
Q They had been living together before that time? A Yes sir.
Q Do you know whether or not a divorce was granted them?
A No sir, I don't think they were married.
Q They were both Cherokees by blood? A Yes sir .

Q Did they live together according to the customs of the Cherokees?
A I think so.
Q When you married Louvina Proctor, did you get your petition for a license, and get the required number of signers? A Yes sir. I had them before the Dawes Commission at Muskogee last summer.
Q By what clerk was your marriage license issued? A Uncle Allen Ross.
Q Clerk of what District? A Tahlequah.
Q Is he living? A No sir, he has been dead ten or twelve years.

MR. RASMUS: Do you remember who the signers were to your petition?
A Some of them. Mr. Foreman was one, T. W. Foreman; Cornelius Boudinot he is dead; Eli Wofford, and Eph Thorn, I don't remember the others.
Q Who were you married by? A Uncle Allen Ross.
Q You returned your license to the clerk for record? A Yes sir.
Q Was it ever returned to you? A No sir.
Q To the best of your knowledge, it was destroyed in the Clerk's office? A They said it was, that's all I know.
Q You made every effort possible here at the Executive Department to find it? A Yes sir. Wallace Ross was there when his father marriedus.
Q Wallace Ross testified in the case? A Yes sir.

BY COMMISSION: Q When did your wife, Louvina Proctor, die?
A It has been seven years last Christmas.
Q Have you married since the date of her death? A yes sir.
Q What is the name of your present wife? A Mary Fish.
Q Is she living? A Yes sir.
Q To what nationality does she belong? A Cherokee.
Q Is she listed for enrollment? A Yes sir.
Q Have you resided in the Cerokee Nation continuously since the date of your application for enrollment? A Yes sir, been right here at Tahlequah.
Q Have you made an effort to secure a certified copy of your decree of divorce from your former wife? A No sir. I can get it by writing to Miami County, Kansas/

T. W. FOREMAN, being first duly sworn, and being examined, testified as follows on behalf of applicant:

By commission: Whatis your name? A T. W. Foreman.
Q How old are you? A Forty-two.
Q Whatis your post office address? A Tahlequah.

BY MR. RASMUS: Whatis your age? A Forty-two.
Q Where have you resided most of the time? A Right here in Tahlequah most of my life.
Q You are a Cherokee by blood? A Yes sir.
Q Are you acquainted with Charlie Proctor? A Yes sir.
Q Is he living or dead? A He is dead.
Q Were you acquainted with his wife Louvina, his supposed wife?
A Yes sir. Q Was
Q Was he ever married to her? A No sir, never was, they took up together and lived together quite a while, and then he left her and took up with one of Mike Pritchett's daughters.
Q Lived with another woman? A After her death, yes, they had one or two children.
Q Do you know what length of time he lived with her? A Several years had several children, Proctor and Louvina had one or two. They lived together some four or five or six years.
Q What is your knowledge as to the fact that they were not married?
A Proctor told me himself that they were not married. We were close relations, his mother was a twin sister to my grandmother. They were never married that I know of.

Q What do you know about him getting a divorce from her?
A I don't suppose they considered it necessary. It was the custom here among the Cherokees to live a while together and go and get another one.
Q Was he ever married to any other woman subsequent to having lived with Louvina? A I don't know.
Q He lived with another one? A Yes sir, he lived with her when he was killed.
Q He lived with this other woman at the time of his death?
A Yes sir.

BY COMMISSION: How long did Louvina Proctor and Charlie Proctor live together? A Some five or six or seven years.
Q During that time they were recognized as husband and wife?
A Yes sir.
Q They lived together according to the custom of the Cherokees?
A Yes sir.
Q They were recognized, same as other Cherokees who were living together, as husband and wife? A Yes sir, that was the custom here.
Q How many children did they have? A I think there was one or two, I am not positive.
Q Those children were recognized as the legitimate children of Louvina and Charlie Proctor? A Yes sir, they were always recognized as Charlie Proctor's children.
Q Charlie Proctor always recognized Louvina as his wife?
A I think so.
Q You don't know of your own knowledge whether they were married or not? A I don't know personally. All I know is what he told me himself. It was common talk that they just took up together. He was a close relation and I was there quite often.
Q Has it been the custom among the Cherokees to obtain a license or anything of that sort when they were married? A I think not, they just got together and made the deal.
Q Was Charlie Proctor living when Louvina married the applicant, George Hazlewood? A Yes sir.
Q Do you know anything about the marriage of Louvina Proctor to George Hazlewood? A All I know is that I circulated the petition and got the signers, then I gave it to Mr. Boudinot and he took it to the Clerk's office. I don't remember whether I saw the license, but I think so. Hazlewood was fixing to leave here. He married and was gone in two or three days.
Q You don't know of your own knowledge whether he obtained a license to marry Louvina Proctor according to the laws of the Cherokee Nation
A All I know is that I circulated the petition and got the signers for him.
Q Do you know of George Hazlewood's residing out of the Cherokee Nation since he married Louvina Proctor? A He went somewhere out west, I think out in Cooweescoowee District.
Q You don't know whether he has been out of the Cherokee Nation or not? A No sir, I don't.

Q Do you submit the case to the Commission for final decision based upon the evidence now of record? A I have one more witness.

This testimony will be filed with and made a part of the record in the matterof the application for the enrollment of George Hazlewood as a citizen by intermarriage of the Cherokee Nation, Cherokee doubtful card field No.D-1013.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 29th day of September, 1902.

John Rogers
Notary Public

Chem. B 101

MAY TERM, FIFTEENTH DAY, WEDNESDAY MAY 20TH, A.D. 1885

Kitty Hazlewood, plaintiff,	
-vs-	NO. 2565
George Hazlewood, defendant,	

And now on this day this cause came on regularly for trial by the Court, and plaintiff appeared in person and by W.H.Browne her attorney, and the defendant came not but made default and still fails to plead, answer or demur herein.

And the Court having heard the evidence and arguments of Counsel.and being well advised in the premises, does find that the defendant has had due and legal notice of the pendency of this action by publication of summons in the Miami Republican,anews-paper printed and published and of general circulation in Miami County, Kansas,the proof of which is here by the Court approved. that the plaintiff and defendant were married on or about the 20th, day of November A.D.1871 in Henry County,Missouri: thatas a result of said marriage there was born to them three children, Floyd Hazlewood aged eleven years, Finis Hazlewood aged nine years and Wyatt Hazlewood aged five years.

The Court further finds that the defendant has wilfully abandoned the plaintiff for more than one year prior to the filing of plaintiff's petition herein. that all the material allegations set forth in plaintiff's petition are to be taken as true.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that the bonds of matrimony heretofore existing between plaintiff and defendant, and the marital relations thereunder be and the same are hereby dissolved, annulled and held for naught, and both parties wholly released from the obligations of the same, and that the plaintiff have the care, custody, control and education of the said minor children hereinbefore mentioned, and that the plaintiff pay the costs of this action herein expended taxed at $12.95,which sum is paid.

STATE OF KANSAS, (
(SS.
COUNTY OF MIAMI, (

I, A.N.English, Clerk of the District Court of the Tenth Judicial District of Kansas, sitting within and for the County aforesaid, do hereby certify the above and foregoing to be a true, full and complete copy of the decree of divorce in the therein entitled cause as the same remains of recored in my office and recorded in Journal „I „ at page 33b on the 20th, day of May A.D.1871.

WITNESS My hand and the seal of said Court, affixed at Paola, Kansas, this the 3rd, day of October A.D. 1902.

A. N. English
Clerk of the District Court

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Gunn	2159
Rebecca J Flying	2172
Thomas J Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E Lee	2251
Sarah Gritts	2256
John A Madden	2261
Henry C Pennel	2271
Matilda S Cleland	2302
Dona A Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
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Charles D. England	7512
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Mollie Morton	7797
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Ida L. White	10026
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Carrie H. Cobb	D	1049
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Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwafer	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D A Mounts	D	1967
J. C Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C Russell	D	2607
Pricilla Ross	D	2608
Tom W Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied

..... Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

D 1013

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 26 1902

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mr. George Hazlewood,

Claremore, Indian Ter tory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate from the Executive Secretary as to the burning of the record of your marriage. Also certificed copy of decree of divorce of deceased wife Luvina from her former husband Proctor.

Cherokee D-1013
Register.

Yours truly,

xxxxxxxxxxxxx
Commissioner in Charge.
Acting Chairman.

Cherokee D-1013

Muskogee, Indian Territory, March 26, 1902.

Mr. William F. Rasmus,
Attorney at Law,
Tahlequah, Indian Territory,

Dear Sir:-

As requested in your letter of March 21, there is enclosed you herewith copy of testimony taken in the matter of the application for enrollment as a citizen of the Cherokee Nation, of George Hazelwood.

You have been entered as attorney for the applicant in this case. Please sign and return to the Commission the receipt for this testimony.

Yours truly,

Commissioner in Charge.

Cherokee Dolsil

Muskogee, Indian Territory, June 12, 1902.

George Hazlewood,

Vinemore, Indian Territory.

Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are directed to appear before this Commission on or before June 20, 1902, and furnish a certified copy of the decree of divorce between your deceased wife, Luvina Freeter, and her former husband, Charlie Freeter; also a certified copy of your marriage license to your said wife, Luvina, or other proper evidence that you married her in accordance with the laws of the Cherokee Nation.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-1013.

Muskogee, Indian Territory, June 13, 1902.

William W. Hassell,

Tahlequah, Indian Territory.

Sir:

In the matter of the application of George Hazlewood, whom you represent in this case, for enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that the applicant has been directed to appear before this Commission on or before June 28, 1902, and furnish a certified copy of the decree of divorce between his deceased wife, Luvina Proctor, and her former husband, Charlie Proctor; also a certified copy of the marriage license of the applicant to his said wife, Luvina, or other proper evidence that he married her in accordance with the laws of the Cherokee Nation.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-1013

Muskogee, Indian Territory, July 18, 1902.

William F. Rasmus,

Attorney for George Hazelwood,

Tahlequah, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 28, relative to the application of George Hazelwood for enrollment as a citizen of the Cherokee Nation, your letter asking to be furnished with a copy of any testimony introduced in this case since March 26, 1902.

In reply, you are advised that no testimony has been introduced in this case since that date. The letter from the Commission, which you state your client has not up to this time received, was sent to him at Claremore by registered mail and was returned unclaimed. The letter was in effect the same letter as was written you on June 13, 1902. The Commission has not as yet rendered a final decision in this case but as soon as a decision is arrived at you will be promptly notified of the action of the Commission.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1013

Muskogee, Indian Territory, October 9th, 1902.

George Hazlewood,

Claremore, Indian Territory.

Dear Sir:-

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Commissioner in Charge.

~~Acting Chairman.~~

Cher. D 1013

Muskogee, Indian Territory, January 10, 1907

George Hamlewood,

Claremore, Indian Territory

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn._____D___ Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

C76

REFER IN REPLY TO THE FOLLOWING:

Cherokee D1013

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

George Hazlewood,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim [illegible]

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

Tahlequah Ind. Terry MAR 25 1902

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible]

for enrollment as [illegible] *of the Cherokee Nation.*

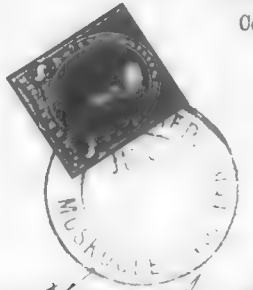
Cherokee No. [illegible]

LAREMORE
JUN 23
1902
REGISTERED.
POSTMASTER.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



3/31

Unclaimed George Hazlewood
Kenmore
D.T.

COLFAX SPRINGS
COLO.
NOV 1 1902

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300.

CLAREMORE
FEB
1902
IND. T.

Uncle Samuel

2688

1255

1255

25

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

~~Mr. George Hazlewood,~~

~~Claremore, Indian Territory~~

PED
TER.

CLARE
7
1907
REC'D

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Geo. W. Hamilton,

Muskogee, Indian Territory.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE IND. T. 13 REG'D

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

George Hazlewood,

Claremore, Indian Territory.

Returned

D 1013

IN THE MATTER OF THE APPLICATION

George Hazlewood

FOR ENROL[illegible]

CHEROKEE CITIZENS

Cher D 1014

Cher D. 1014

ENT OF THE INT
N TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 10 1901
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 18th 1901

In the matter of the application of Louisa McPhearson for the enrollment of herself and son as Cherokee citizens. She being sworn before Commissioner Breckinridge, testified as follows-

Q What is your name? A. Louisa McPhearson.
Q What is your age? A. 48.
Q What is your post office? A. Tahlequah.
Q What district do you live in? A. Tahlequah.
Q Who do you desire to have enrolled? A. Myself and son.
Q How old is your son? A. 28.
Q Where is he? A. In the Muskogee jail.
Q Are you a Cherokee by blood? A. Yes sir.
Q Have you lived in the Cherokee Nation all your life? A. All the days of my life.
Q Give me the name of your father? A. ~~Xxxxx~~ Ellic McPhearson.
Q Is he dead? A. Yes sir.
Q Give me the name of your mother? A. Charlotte.
Q Is she dead? A. Yes sir.
Q When were you married? A. In 1871.
Q How often have you been married? A. Twice.
Q Was your first marriage in 1871? A. Yes sir.
Q To whom were you married in 1871? A. Sam Scharble
Q Was he a white man? A. A German.
Q Is he dead? A. No sir.
Q How long did you live with him? A' I lived with him fifteen years.
Q And then seperated? A. Yes sir.
Q Was there a divorce granted? A. Yes sir.
Q Was it granted to you? A. No sir to him.
Q When were you married the second time? A. Somewhere long in the latter part of the ~~xxx~~ 80's——some time after 1886, sometime between 1886 and 1890——after the divorce was granted.
Q To whom were you married the last time? A. Robert Miller.
Q Was he a white man? A. Yes sir.
Q Is he living? A. No sir.
Q When did he die? A. About three years ago, but we were seperated when he died.
Q How long did you live with him? A. One year.
Q And then you were divorced? A. Yes sir.
Q And you have not re-married since your last divorce? A. No sir.
Q Was the divorce granted to you in this last case? A. Yes sir to me.
Q Did you say that your first husband got the divorce, that it was granted to him? A. Yes sir.
Q On what grounds did he get that divorce? A. I cant tell you.
Q Did you leave him or did he leave you before the divorce was granted A. He left me.
Q Your last husband, did he leave you or did you leave him? A. He left, but I was willing for him to go, I staid at my home.
Q In both cases you continued to reside at your home? A. Yes sir.
Q Are you on the roll of 1880 under the name of your first husband? A. Yes sir.
Q In ~~in~~ the roll of 1896 are you there as Miller or McPhearson? A. A. Scharble.
Q Give me the name of your child? A. Joseph O. Scharble.
Q Is he living now? A. Yes sir.
Q Has he lived all his life in Tahlequah? A. Yes sir born right here in Tahlequah.
Q Have you some one here who has known you since 1880 and knows that you were married to this man Miller and that you had a divorce from your first husband before marrying him? A. Yes sir everybody here in Tahlequah knows it.
Q What is your sons post office address? A. Same as mine.

1880 roll, page 811,		No 2251,	Louisa Scharble,	Tahlequah district.
1880	811	2253	Otto Scharble,	"
1896	1339	2949	Louisa Scharble	"
1896	1339	2951	Otto Scharble	"

RICHARD H. DANNENBERG, called as a witness, sworn and testified as follows-

Q What is your name? A. Richard Dannenberg.
Q What is your post office? A. Tahlequah.
Q Are you one of the witnesses for the Cherokee Nation? A Yes sir.
Q Do you know this lady, Mrs McPhearson? A. Yes sir.
Q Whose daughter is she? A. Elic McPhearson's
Q Was she married twice? A. Yes sir.
Q What was the name of her first husbad? A Sam Scharble.
Q Was she divorced from him? Al Yes sir.
Q Did you hear of her marrying again? A. Yes sir.
Q Who did she marry the second time? A. A man named Miller.
Q Is she divorced from him? A. Yes sir that is what I understand.
Q Has she resumed her maiden name? A. Yes sir but she goes by the name of Scharble most of the time .
Q But she is also known as Louisa McPhearson? A. Yes sir that is her maiden name. She is a first cousin of mine.

By the Commission of applicant-

Q Did the Court give you back your maiden name? A. Yes sir.
Q Do you sign yourself that way? A. Yes sir.
Q When you were divorced from your first husband which name did you get from the Court? A. I asked fro my maiden name.
Q When you were divorced from your last husband did you ask for your maiden name? A. I have tried to be called by my maiden name but Im afraid that I will never be able to be known by any other name than Scharble.

The applicant applies for the enrollment of herself and one child, a son 22 years of age, who is said to be in jail at Muscogee, and unable to apply for himself. She is identified on the rolls of 1880 and 1896 as a native Cherokee; she states that she has lived in he Cherokee Nation all her life. The change in her name is established by satisfactory testimony, but a doubt is entertained at present as to whether the Commission has a right to enroll her as McPhearson, Scharble or Miller; for the purpose of obtaining further testimony on this point, and for the further consideration of the matter she will now be listed as a Cherokee by blood on a doubtful card, there being no question as to her right to enrollment, but only as to form of name of her enrollment. Her son Joseph O. Scharble is identified on the 1880 and 1896 rolls as a native Cherokee, he has lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee by blood on a doubtful card in order that the Commission may examine the records of the Muscogee Jail in case it desires to do so.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 10th of January, 1901.

Commissioner.

Cherokee D 1614

(48)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louisa McPhearson for the enrollment of herself and her son, Joseph O. Scharble, as citizens by blood of the Cherokee Nation.

D E C I S I O N .

-o-o-o-

The record in this case shows that on December 16, 1900, Louisa McPhearson appeared before the Commission at Tahlequah, Indian Territory, and then and there made application for the enrollment of herself and her son, Joseph O. Scharble, as citizens by blood of the Cherokee Nation.

Louisa McPhearson was married in 1871 to one Sam Scharble, and as a result of that marriage Joseph O. Scharble, the applicant in this case was born. She is identified on the Cherokee authenticated tribal roll of 1880, also on the Cherokee Census roll of 1896 as "Louisa Scharble," a native Cherokee. Subsequent to her enrollment on the 1880 roll, as hereinbefore shown, she was divorced from her husband Sam Scharble, and makes this application under her maiden name.

Joseph O. Scharble is identified on the Cherokee tribal roll of 1880, also the Cherokee census roll of 1896. His inability to make application in person is explained by the fact that he is confined in jail at Muskogee, Indian Territory.

Both applicants in this case have resided in the Cherokee Nation all of their lives.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898. (30 Stats., 495).

It is therefore the opinion of the Commission that Louisa McMeacon, and her son Joseph G. Meacon are entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this 21 day of May 1902.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BECKINRIDGE
ATTORNEY ANSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
D. 1014.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Louisa McPherson for the enrollment of herself and her son, Joseph O. Sharble, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,

Acting Chairman.

Encl. C-1014.

1014

IN THE MATTER OF THE APPLICATION OF

Louisa McPherson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 18/00

B Memo " Dec 18/00.

C Certified copy of divorce proceeding

D "

Transferred to Chy

No 1164

Cher D 1015

Cher D 1015

PA ENT OF THE INT
ION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 10 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 18th 1900 .

In the matter of the application of James Rowe for the enrollment of himself and children as Cherokee citizens. He being sworn before Commissioner Breckinridge, testified as follows-

Q What is your name?A. James Rowe.
Q How old are you? A. 54.
Q What is your post office? A. Oaks.
Q In what district do you live? A. Saline.
Q Who is it that you want to have enrolled? A. Myself, one little girl and two boys in the penitentiary.
Q Are you a full blood Cherokee? A Yes sir.
Q Give me the name of your father? A. Terry Rowe.
Q Is he dead? A. Yes sir.
Q Give me the name of your mother? A. Ellen Rowe.
Q Is she dead? A Yes sir.
Q Give me the name of this child at home? A. Betsie Rowe.
Q How old is she? A. 16.
Q Is she living with you now? A. Yes sir.
Q Give me the name of the mother of this child? A. Lida.
Q Was she your wife? A Yes sir.
Q Is she dead? A. Yes sir.
Q Was she a Cherokee? A. Yes sir.
Q Full blood? A Yes sir.
Q How long has she been dead? A. Soon be three years.
Q Did she live in the Cherokee Nation all her life? A. Yes sir.
Q Was she your wife in 1880? A. Yes sir.

1880 roll, page 659, No 943, James Rowe, Saline district.
1880 roll, page 659, No 944, Lida Rowe, "
1896 roll, page 1014, No 994, James Rowe, Saline district
1896 roll, page 1014, No. 998, Betsy Rowe, Saline district.

Q Give me the name of the oldest one that is in prison . A Thomas Rowe
Q How old is he? A. 24.
Q Has he lived in the Cherokee Nation all his life? A. Yes sir.
Q What prison is he in? A. Columbus, Ohio.
Q Where was he convicted? A. Right here.
Q At Tahlequah? A. Yes sir.
Q When? A. Last May.
Q For how long? A. One year.
QWhat for? A. Larceny.
Q Give me the name of the next child? A. Dick Rowe.
Q How old is he? A. 22.
Q What prison is he in? A. Fort Leavenworth.
Q When was he sent there? A. Last May from here.
Q For how long a time? A. Five years .
Q What for? A. Larceny.

1880 roll, page 657, No 885, Thomas Rowe, Saline district,
1880 659 945 Dick Rowe, "
1896 1014 1007 Thomas Rowe, "
1896 1014 1006 Dick Rowe, "

The applicant applies for the enrollment of himself, and three children two of whom are over twenty-one years of age, but are said to be in the penitentiary and unable to apply for themselves. The applicant is identified on the 1880 and 1896 rolls as a native Cherokee, he has lived in the Cherokee Nation all his life, and he will be listed now for enrollment as a Cherokee by blood. His minor child, Betsie Rowe is duly identified on the 1896 roll, she is living , and will be listed for enrollment as a Cherokee by blood. Of the two older

children, Thomas Rowe is identified on the 1880 and 1896 rolls as a native Cherokee, he has lived in the Cherokee Nation all his life he is said to be confined in the Columbus Ohio penitentiary under a sentence of one year from May of this year and to have been convicted at Tahlequah. He will be listed for enrollment as a Cherokee by blood on a doubtful card in order that the Commission may consult the Court records if it desires to do so. The son Nick Rowe is also identified on the 1880 and 1896 rolls as a Native Cherokee, he has lived in the Cherokee Nation all his life and he is said to have been sentenced for five years from Tahlequah from May of this year and to be in prison at Fort Leavenworth. He will be listed for enrollment as a Cherokee by blood on a doubtful card in order that the Commission may consult the Court records if it desires to do so.

Chas. von Weihe, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weihe

Subscribed and sworn to before me this the 18th of January, 1902.

Tams Bixby

Commissioner.

Cherokee D 1018

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Rowe for the enrollment of his two sons, Thomas Rowe and Dick Rowe, as citizens by blood of the Cherokee Nation.

DECISION.

--oOo--

James Rowe is listed for enrollment as a citizen by blood of the Cherokee Nation, together with his daughter Betsy Rowe, on Cherokee Field Card No. 6902, therefore their application is not passed upon at this time.

The record in this case shows that on December 18, 1900, James Rowe appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of his sons, Thomas Rowe and Dick Rowe, as citizens by blood of the Cherokee Nation.

Thomas Rowe and Dick Rowe are identified on the Cherokee tri bal roll of 1880, also on the Cherokee Census roll of 1896. At the time of this application Thomas Rowe was confined in the penitentiary at Columbus, Ohio, and his brother Dick Rowe was confined in the pentitentiary at Fort Leavenworth, Kansas, thus explaining their inability to make application in person.

Both applicants were residents of the Cherokee Nation prior to June 28, 1898.

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress, June 28, 1898. (30 Stats. 495.)

It is therefore the opinion of this Commission that Thomas

Rowe and Dick Rowe are entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

This MAY 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
ALLISON L. ROBERTS
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D. 1015.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of James Rowe for the enrollment of his sons, Thomas Rowe and Dick Rowe, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,

Acting Chairman.

Encl. C-1015.

Reason Jr D 1013

IN THE MATTER OF THE APPLICATION OF

Thomas Rowe, et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony filed 12/00

B Memorandum of application Dec 18/00

Transferred to 1765

Set to Knobel Docket No. 6902

Cher D 1016

Cher D 1016

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 1 1907
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 18th, 1900.

In the matter of the application of Michael O. Ghormley for the enrollment of his brother, DAVID V. GHORMLEY, and children, as citizens of the Cherokee Nation; said Ghormley being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Michael O. Ghormley.
Q How old are you? A 53.
Q What is your post office? A Tahlequah.
Q In what district do you live? A Tahlequah district.
Q Who is it you wish to have enrolled? A My brother, David V. Ghormley and his two children.
Q Why does not your brother apply for himself? A He is really non compus mentus; he is not here, but is in the Country somewhere and is not capable of tending to his business. He left here last September with his two children.
Q Are these children wandering around with him? A Yes, sir.
Q Give me the name of your brother? A David V. Ghormley.
Q How old is he? A About 51 years old.
Q He is a Cherokee by blood is he? A Yes, sir.
Q How long has he lived in the Cherokee Chero kee Nation? A 50 years this month.
Q Give me the name of his father? A William C. Ghormley.
Q Is he dead? A Yes, sir.
Q Give me the name of his mother? A Elizabeth.
Q Is she dead? A Yes, sir.
Q Give me the names of these children? A Mattie.
Q How old is Mattie? A About 12 or 13. The next one is William.
Q How old is that child? A About 10.
Q Are these children both living now? A Yes, sir, the last time I heard from them.
Q Give me the name of the mother of these children? A Her name was Mattie I believe, or Martha.
Q When did she marry your brother? A About 1886 I reckon.
Q Is she dead? A Yes, sir.
Q Was she a Cherokee woman? A Yes, sir.
Q When did she die, how long since? A I guess it is two years ago as near as I can remember.
Q Did she and your brother live together from the time of their marriage until her death? A Yes, sir.
Q How old was she when she died, about how old? A I speak in the neighborhood of 30 years.
Q Did she live in the Cherokee Nation all her life? A Yes, sir.
Q Was she ever married except to your brother? A No, sir.
Q Give me the name of her father? A Andy Fields, I think was her father's name.
Q Is he dead? A Yes, sir, I think so.
Q Give me the name of her mother? A I do not know whether I can or not.
Q Is her mother dead? A Yes, sir, I think so; they lived up on the line, I am not positive about that.

1880 Roll; page 437, #804, W. C. Ghormley, Going Snake.
1880 Roll; page 437, #805, Sarah Ghormley, Going Snake.

Q This Sarah you say is not the mother of this brother? A No, sir, out mother is not on any roll unless it is the '51.

~~1880 Roll; page 432, #691, Mary Fields, Going Snake.~~
1896 Roll; page 165, #1923, David V. Ghormly, Cooweescoowee.
1896 Roll; page 165, #1923, Mary " "
1896 Roll; page 165, #1925, Mattie " "
1896 Roll; page 165, #1926, Willie " "

Q New, Mr. Ghormley, your frother's wife is enrolled with him and with their children as Mary instead of Mattie? A They called her Mattie.
Q Do you know, now, about her right name being Mary? A Yes, that is it.
Q You think that is her right name? A I am positive.
Q Your brother has never lived with any other woman as his wife except this one? A No, sir.
Q Now, have you a certificate of marriage between your brother and this wife? A No, sir.
Q Is there someone here who knows that they lived together as man and wife? A Yes, sir.
JOHN B. McPHERSON, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your name there, please? A John B. McPherson.
Q How old are you? A About 66 years old.
Q What is your post office? A Stillwell.
Q How long have you lived in the Cherokee Nation? A Raised in the Cherokee Nation.
Q Lived here all your life? A Ever since I was a little child.
Q Mr. McPherson, do you know David V. Ghormley? A Yes, sir.
Q Is he a full brother of the applicant here? A Always said to be.
Q How long have you known David? A From the time he was a child, always.
Q Have you ever known him to live anywhere except the Nation? A No, sir.
Q He spent his whole life here? A Yes, sir.
Q At least from childhood? A Yes, sir.
Q Do you know of any reason why he is not on the roll of 1880? A No, sir, I do not.
Q Did his mother die when he was very young? A He was small when she died.
Q The woman with his father on the roll of 1880 was his stepmother? A Yes, sir.
Q Her name was Mary; did David live with somebody else along about 1880; he was not married then? A I do not know whether he lived with anybody else; I always found him to be in the country.
Q Was he a little weak minded? A Yes, sir, always was and is until yet.
Q And is so at this time? A Yes, sir, was the last time I saw him.
Q What was the name of his wife? A Mary Fields.
Q Did they call her Martha somewtimes too? A I never hear her by that name, no, sir.
Q Was she a Cherokee woman? A Yes, sir.
Q And they lived together as husband and wife? A Lived on my place a while.

Com'r Breckinridge:--The applicant applies for the enrollment of a brother and two children of the brother, and states that this brother, David V. Ghormley, is quite weak minded and is now wandering somewhere around the Cherokee Nation, attended by these two children and really they are incapable of takeing care of themselves. This brother is shown to have been in the Cherokee Nation for some 50 years. He is identified on the roll of 1896 as a native Cherokee. He is not identified on the roll of 188 0, but his own mother died when he was young and it is considered that his omission from the roll of 1880 could only have arisen from neglect and oversight.

No doubt is entertained of the right of this man to enrollment as a Cherokee by blood. He is believed to be living at this time, but for the purpose of receiving more definite information as to his being alive at present, he will now be listed for enrollment as a Cherokee by blood upon a doubtful card, and the applicant is desired to send the Commission any information he may be able to obtain in regard to his brother.

The two children are duly identified on the roll of 1896: Their deceased mother is identified on the roll of 1880 and 1896 and her marriage to the father of these children is established by satisfactory personal testimony, and she is identified as his wife on the roll of 1896. No doubt is entertained as to the right of these children to enrollment as Cherokees by blood, but as they cannot be definitely located at the present time, they, too, will be listed at presents upon a doubtful card, to await any further information that may be obtainable in regard to them. At present the post office address of this brother and these two children will be in the care of the applicant.

---oooOOOooo---

J. O. Rosson, being first dulysworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 10th day of December, 1900.

Commissioner.

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Cherokee D-1016.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 1, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DAVID B. GHORMLEY and his two minor children, MATTIE and WILLIAM GHORMLEY as citizens by blood of the Cherokee Nation.

MICHAEL O. GHORMLEY, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Michael O. Ghormley.
Q Are you a Cherokee by blood? A Yes sir.
Q Do you know David B. Ghormley? A Yes sir.
Q What relation is he to you? A My brother.
Q What is your post office address? A Tahlequah, I. T.
Q Are you of the same father and same mother as David? A Yes sir.
Q Has he got any children? A David B., yes sir, two.
Q What are their names? A Mattie and William.
Q Is Mattie a girl? A Yes sir.
Q William a boy? A Yes sir.
Q Do you know whether David B. Ghormley and his two children are living today? A I know of the two children, but not about David B.
Q Where are the children living now? A Boy is at my house, and girl is at her uncle's, her mother's brother, John Fields.
Q Who is the mother of these two children? A Mary Fields.
Q Is she living? A No sir.
Q She a Cherokee by blood? A Yes sir.
Q Do you know whether David B. Ghormley was married to Mary Fields?
A He was married, but I have got no record of it.
Q You know that of your own knowledge? A I never saw it.
Q Did David B. Ghormley and Mary Fields live together as husband and wife? A Yes sir.
Q For how many years? A 8 or 10 years I reckon.
Q Were these children born while they were living together as husband and wife? A Yes sir.
Q When did you last hear of the whereabouts of your brother, David B. Ghormley? A The last I heard of him by witness, and by letter, was in September, 1903.
Q From whom did you receive the letter that you mention? A From a first cousin of mine.
Q And where was David B. Ghormley seen at that time? A Muldrow, I. T., Cherokee Nation.
Q Have you seen him after September 1, 1902? A No sir I haven't seen him.
Q Have you good reasons to believe, and do you believe that on September 1, 1902, he was living? A Yes sir.
Q What is the mental condition of David B. Ghormley? A He was really incapable of attending to his own business, he was weak minded, and when he married he married contrary to the wishes of my father, and when we took him there his wife would not stay and I got them down to Tahlequah, and kept them on my farm as long as I could keep them there, and he left there and drifted off upon Grand River.

Q What is your opinion as to whether or not David B. Ghormley has or is able to attend to his own affairs as a business man?
A He is not capable of attending to his own affairs.
Q Has he ever been confined in an asylum? A No sir.
Q Has a guardian been appointed for the administration of his estate? A No sir.
Q Have you been appointed as guardian for William? A No sir, I just got him day before yesterday.
Q Has David B. Ghormley and his two children lived continuously in the Cherokee Nation since their birth? A Excepting when he left, that is after he crossed over into the Creek Nation, two years ago I guess it was. We lost him and I had written and inquired until I found out he wasn't in the Cherokee Nation, and this man he said that he saw him in Muldrow the first I heard of him.

N. K. WITT, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A N. K. Witt.
Q What is your post office address? A Tahlequah, I. T.
Q Are you a white man? A Yes sir.
Q How old are you? A 51.
Q Do you know David B. Ghormley? A I never met him but the one time, he came to my house in Muldrow.
Q When was that? A A year ago last September.
Q What was his condition at that time, mentally? A He didn't stay very long, about two hours, I talked with him and I saw something was wrong with him some way.
Q Would he give you intelligent answers to your questions? A Some times he would and sometimes he wouldn't.
Q Are you sure you have seen him within the last two years? A Yes sir that is what he told me his name was, David Ghormley.
Q Did you make any inquiries afterwards as to what was his name?
A Yes sir.
Q Are you satisfied that it was David B. Ghormley the brother of Michael Ghormley? A Yes sir.
Q Did he have the children with him at that time? A No sir they were up here in the Creek Nation somewhere.
Q The only time that you have ever seen him was about September, a year ago? A Yes sir.
Q You saw him then for about two or three hours and that is all you know about it? A Yes sir.
Q Are you any relation to the Ghormley family? A Yes sir.
Q What relation? A His father and my mother are brothers and sisters.
Q Whose father? A Michael Ghormley.

Michael O. Ghormley files letters of September 5, 1903, and September 12, 1903, from his cousin, Rachel Witt Stone.

Q Who is that Rachel Witt Stone? A She is my sister.
Q Is that her handwriting? A Yes sir.

----------oOo----------

George H. Lawley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lawley

Subscribed and sworn to before me this 1st day of March, 1905.

Guy Loud White

Notary Public.

D 1015
10900

IN THE MATTER OF THE APPLICATION OF

David V. Thornley et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 18/00

B Memo of application Dec 18/00

JUN 2 1905

Cher D 1017

Cher D 1017

1017

. . . T OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 10 1901

. . . CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 18, 1900.

In the matter of the application of Joel J. Morton for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T B. Needles, testified as follows:

Q What is your name? A Joel J. Morton.
Q What is your age? A About 49.
Q What is your post office address? A Yes sir, Gib.
Q What district do you live in? A Goingsnake.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q How do you claim? A By blood.
Q Who do you want to enroll? A Myself and family.
Q What is the name of your wife? A Laura.
Q When did you marry her? A We have been married about eight or ten years.
Q She a citizen by blood, or white woman? A White woman.
Q Got your certificate of marriage? A Yes sir.
Q You present a certified copy of marriage certificate; where is the original certificate? A It is at home. This one is from the record.
Applicant presents a certified copy of the records of the Cherokee Nation certifying that J. J. Morton and Miss Laura Spears were married on the 12th of April, 1886.
Q Is your name on the roll of 1880? A No sir.
Q What proof have you got of your citizenship? A I can prove that Joe Vann readmitted me after I came back from the States. He also ordered Henry Crittenden to change my name off the doubtful list.
Q Have you got any certificate to that effect? A No sir.

By J. J. Mastaga, representative of the Cherokee Nation-
Q What authority did Joe Vann have to make that order? A I don't know, I went to Congress.
Q Where do you live? A Here in the Cherokee Nation.
Q Have you lived in the Cherokee Nation? A Yes sir. I went out and married and staid a few years and then came back.
Q What year was this? A Somewhere in '60 some time during the war.
Q How long did you stay out? A Until about '80.
Q And then came back? A Yes, it was in '86 I reckon.
Q What are the names of the children you want to enroll? A Robert L.
Q How old is he? A About 9.
Q What is the next one? A Grover C.
Q How old is he? A He's about 8.
Q What is the next one? A William H.
Q How old is he? A About 7.
Q The next? A Mary B.
Q How old is she? A About 4.
1896 roll: page 770, #1430, Jack Morton, Goingsnake district
1896 roll; page 831, #834, Laura Morton, Goingsnake district.
770, #1431, Lue " " "
770, #1432, Grover " " "
770, #1433, William H." " "
770, #1434, Mary Bell " " "
Q Were you ever readmitted to Cherokee citizenship by the National Council? A No sir.
Q Did you ever apply to the Dawes Commission in 1896 for admission?
A Yes sir, when I was enrolled.
Q Are these children all alive and living with you? A Yes sir.
Q You lived with your wife, Laura, continuously, and never separated from her? A Yes sir.
Q You her first husband? A Yes sir.
Q She your first wife? A No sir.
Q You were married before? A Yes sir.

S- J.J.M.

Q Were you divorced from your first wife? A My first wife's dead.
Q Did she die before you married Laura Spears? A Yes sir.
Q

By W. W. Hastings, representative of the Cherokee Nation-
Q Did you apply to the Dawes Commission for admission to citizenship in 1896? A No sir.

Commissioner Needles-

The name of Joel J. Morton appears upon the Census roll of 1896 as Jack Morton. The name of his wife, Laura, appears upon said roll, and he presents satisfactory proof of marriage to his wife, Laura, as Miss Laura Spears, on the 15th day of April, 1890; she being a non citizen. The names of Robert L., Grover C., William H., and Mary E. Morton, his averred children, appear upon the Census roll of 1896. They are all duly identified. Applicant presents no satisfactory proof as to his ever being admitted to Cherokee citizenship. His name does not appear upon the authenticated roll of 1880, consequently final judgment as to the enrollment of Joel J. Morton and his family as enumerated herein will be suspended, and their names will be placed upon a doubtful list.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

cD 1017

D. 1017.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 5, 1902.

In the matter of the application of Joel S. Morton for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by I. P. Bledsoe, Choutemu, I.T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, onthe 14th day of March, 1902. On said date the case was continued by agreement, the applicant having appeared by his agent, I. P. Bledsoe, to March 21, 1902, and on the 21st day of March the case was again continued by agreement until the 5th day of April, 1902.

SIMON R. WALKINGSTICK, being first duly sworn, testified as follows:

MR. BLEDSOE: State your name? A Simon R. Walkingstick.
Q Age? A 53.
Q Where do you live? A Muskogee.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Upon the rolls of the Cherokee Nation I suppose? A Yes, sir, on all the rolls.
Q Were you ever elected to any office in the Cherokee Nation, Mr. Walkingstick? A Yes, sir, I have held the position of auditor of accounts and senator from Goingsnake District for two terms.
Q You are now acting with theCommission in the capacity of clerk here? A Yes, sir.
Q When were you a member of the senate of the Cherokee Council?
A I think from the fall of 1895 till 1897.
Q You were there then during the making of the census roll of 1896?
A Yes, sir.
Q Were you a member also of the senate committee from Goingsnake District? A Yes, sir.
Q I would like for you to make a statement to this Commission?
A Yes, sir. You have reference to revising the Goingsnake rolls? QYes. ~~Qxxxxxxxxxx~~. I would like for you to make a statement to this Commission in regard to revising those rolls? A Why as I remember --
Q Was there any report made by you as a member of that senate committee to the National Council? A Yes, sir, that is my recollection, that after the rolls were revised by this committee consisting of the members and senators from the district that a report was made to the National Council of all the names of the citizens in that district who were entitled to be enrolled as citizens of Goingsnake district.
Q And those that were not entitled were stricken from that roll?
A Yes, sir, that is my recollection.
Q Were you a member of the council in 1894? A No, sir, I wasn't elected till in August, 1895.
Q Well, was there any separate list of names made and entered upon record of those that were admitted outside of the roll itself by that council? A I don't remember anything much about it. Just as I say, these rolls as made by the census-takers were referred to

our committee, and we passed on all the names, and the roll as reported for that district is just what you will find on the rolls that the Commission has here now.
Q Do you recollect the name of Joel J. Morton coming before you as a committeeman?
MR. HASTINGS: Now I object to that because the record will show that.
COMMISSION: Answer the question.
A Why I don't know that I do, but I am satisfied we had his name before the Committee and my recollection is that one Ned Foreman, a member of the council was the one that seemed to know about him.
MR. HASTINGS: Well, is he living, Ned Foreman? A I think so; we just had oral testimony, I don't know that we even reduced it to writing so far as that goes.
MR. BLEDSOE: Well, upon the testimony before you you put his name upon the roll? A Yes, sir, that is my recollection.
MR. HASTINGS: The council refused to confirm that roll of 1896? A Yes, sir, I think they did.
~~MR. HASTINGS:~~ Q There was considerable discussion after these different committees reported back? A Well, as I remember it it was something like this: I for one, I remember distinctly, was in favor of passing an act authenticating the rolls, but other members, in fact the majority of them, didn't seem so disposed, there was no action taken, and the council adjourned.
Q There was considerable discussion as to whether it should be authenticated or not wasn't there? A Yes, sir, Qand from the fact that the majority of the senate was not satisfied with those rolls is the reason that no action was taken? A Yes, sir, that is a fact.

T. J. WELCH, being first duly sworn, testified as follows:

MR. BLEDSOE: State your name? A T. J. Welch.
Q How old are you? A I will soon be 58.
Q Postoffice? A Whitmire is my colstest.
Q Cherokee Nation? A Yes, sir.
Q You live in the Cherokee Nation? A Yes, sir.
Q Do you know one Joel J. Morton? A Yes, sir.
Q How long have you known him, Mr. Welch? A Ever since 1885 I think.
Q Has he been living in the Cherokee Nation ever since you have known him? A Ever since I knew him.
Q Do you know whether he is an Indian by blood or not?
MR. HASTINGS: How do you know it yourself? A I know he claims to be; I couldn't swear whether he was or not.

1894 roll, page 680, No. 1390, Jack Morton, Goingsnake District.
1894 roll, page 680, No. 1392, Robt. L. Morton, Goingsnake District.
1894 roll, page 680, No. 1393, Grover C. Morton, Goingsnake District.
1894 roll, page 680, No. 1394, Wm. H. Morton, Goingsnake District.

COMMISSION: There is offered in evidence by the agent for the applicant a certified copy of senate bill No. 2, being an act providing for the revision of the census, passed by the senate November 9, 1896, Samuel Smith, President of the Senate, Brown Hitchcock, Assistant Clerk of the Senate; passed the council November 9, 1896, Johnson Simmons, Speaker or the House, John R. Leach, Clerk of the Council, approved November 9, 1896, S. H. Mayes, Principal Chief. Said Act being as follows:

"Senate Bill No. 2.

Sec. 1. An act providing for the revission of the census.

Seel. Be it enacted by the National Council; That the census roll of the citizens of each district made by authority of the act of the National Council, approved August 21st, 1896, shall be refered to a joint Committee, composed of one member of the Senate and two members of the Council from that District for examination and revission provided that one additional member of the Council may be added to each of the Committees for Tahlequah and Canadian Districts, and two additional members of the Committees for Delaware and Cooweescoowee Districts, the said appointments to be made by the prest. of the Senate and speaker of Council respectively. It shall be the duty of joint committee to carefully examine and pass upon each name appearing upon the roll of their District, and to make and submit upon a separate list the names (if any) of all persons reported by the census takers whose claims to citizenship shall be disallowed by the joint committee, with the reasons for such rejection by the committee attached to each name, for the final decision of the National Council. The names of bona fide citizens of the Nation who have been omitted to be enrolled by the census takers through error or mistake, and who shall be recognized as citizens by the joint committee, shall be also submitted on a separate list for final action: Provided, no application to any joint committee to be enrolled as a citizen of this Nation shall be considered by such Committee if made by any person whose claim for Cherokee Citizenship has been presented to the Dawes Commission, or whose claim has been rejected by the National Council or by authority thereof. And for the purpose of this act the members of each joint Committee are hereby authorized to administer oaths.

Be it further enacted; That as soon as the several joint Committees shall have finished their labors as above defined and required they shall submit the results thereof in proper form for final consideration and action by the National Council, on or before the 20th day of Novvember, 1896.

Be it further enacted: That the principal Chief be and he is hereby authorized and directed to cause to be made copies of the complete census rolls of the whole nation as finally revised and approved by the National Council, not to exceed in number (18) eighteen and the sum of sixty dollars or so much thereof as may be necessary to pay for the necessary blanks, &c is hereby appropriated out of the General Fund and made immediatly available and the principal Chief is authorized to draw warrants accordingly.

Be it further enacted: That each joint Committee herein above provided for, is hereby authorized to select and employ a competent clerk to serve the committee until their reports are made to the National Council as above required and who shall be paid for their services at the same rate and in the same manner as members of the National Council; also to appoint an interpreter for each Committee if necessary.

Passed the Senate November 9th 1896.

Brown Hitchcock, Asst. Clk Senate.

Samuel Smith, President of the Senate.

Passed the Council November 9, 1896.

John R. Leach, Clerk of Council.

Johnson Simmons, Speaker of the House.

Approved Nov. 9th 1896.

S. H. Mayes, ~~Principal Chief.~~

Executive Office Cherokee Nation,
Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is a true copy from the record of laws made and kept in thos Office, and in my custody. Given under my hand and the seal of the Cherokee

Nation this the 15th day of February 1902.

(Signed) B. W. Alberty,
(SEAL) Assistant Executive Secretary
Cherokee Nation."

The agent for the applicant also offers in evidence a certified copy of an act providing for the taking of the census of the Cherokee Nation, which passed the Senate April 15, 1893, T. M. Buffington, President of the Senate, J. L. Thompson, Clerk of the Senate, concurred in by the Council April 14, 1893, G. W. Clark, Speaker of Council, W. G. Fields, Clerk of the Council, approved April 15, 1893, C. J. Harris, Principal Chief. Said act being as follows:

"An act providing for the taking of the census of the Cherokee Nation.

Whereas the Cherokee National Council has accepted and ratified the amendments to the Cherokee agreement for the relinquishment of their title to their lands west of the ninety-sixth degree of west longitude, and

Whereas the proceeds arising from the said sale will be paid out to the Cherokee people; Therefore,

Be it enacted by the National Council: That the principal Chief be and he is hereby authorized to appoint two competent persons for each of the following Districts: Saline, Illinois, Flint, Going Snake, Sequoyah and Canadian, six for Cooweescoowee, four for Delaware and four for Tahlequah. One half of the number of persons so appointed shall be able to correctly speak the English language and write English in a plain legible hand and the remainder of the person so appointed shall be able to correctly speak and understand the Cherokee and English languages, who shall have been bona-fide resident citizens of the District from which they may be appointed for at least ten years prior to their appointment, for the purpose of taking the census of their respective districts, in the manner herein after defined.

Section 2. Be it further enacted: That it shall be the duty of the Principal Chief, to divide the census takers in Cooweescoowee, Delaware and Tahlequah Districts into boards of two Members each and assign the work of taking the census as follows: In Cooweescoowee to the first board of census takers shall be assigned six precincts as follows: River Side, Chouteau, Pryor Creek, Adair, Vinita and Rogers; to the second board shall be assigned Chelsea, Claremore, Catoosa, Skiatook and Silver Lake; and to the third and last boar shall be assigned Talala, Lenapah, Coodies Bluff, Goose Neck and Parker or Brush Creek. To the board so designated for Delaware district the first shall be assigned all the precincts lying east of Grand River, and to the second board shall be assigned all the precincts lying west of Grand River. To the board so designated for Tahlequah district, the first shall be assigned to Elm Spring Tahlequah and Manard Precincts; to the second board shall be assigned Sequoyah, Blue Springs, Pegs Prairie and Ketcher Town Precincts.

Section 3. Be it further enacted: That it shall be the duty of the census takers to make full, complete and correct returns of all the citizens found residing within the limits of their respective districts, at the time of making the enumeration, giving name, age, sex and nationality.

Section 4. Be it further enacted: That census takers provided for above shall before entering upon the discharge of their duties, as authorized and required, each subscribe to an oath to fully, impartially and correctly perform the same as herein after defined.

Section 5. Be it further enacted: That said census shall be taken upon ruled blank census rolls furnished by the Principal Chief, for such purpose, one for Cherokee citizens by blood, one for Delawares,

one for Shawnees, one for Creeks, one for adopted whites and one for the Freedmen; all to be taken separately on separate blanks, giving the sex and age of each individual person.
Section 6.Be it further enacted:That the board of census takers shall sit at each precinct in their several districts, three days or so many thereof as may be necessary for the purpose of taking the said census and when their duties shall have been completed at one precinct, they shall proceed without delay to the next, and so continue untilthe census has been completed. They shall be allowed one day to travel from one precinct to another, and shall be allowed the same time as the members of the National Council from the several Districts in coming after and returning the Census Rolls. They shall give notice of such sitting by publication in the papers of the Cherokee Nation, and by posting written or printed notices at each precinct for at least one week prior to the said sitting and at said sitting the said board of census takers shall qualify all persons registered as citizens of the Cherokee Nation, as to the number of their families,age sex &c. They shall also take evidence as to the correctness of the statement of the person so registered.
Section 7. Be it further enacted: That before the census rolls shall be completed and accepted they shall be passed upon by the National Council in the following manner: There shall be appointed nine special joint committees, composed of the two members of the Senate and all the members from the lower house from each District whose duty it shall be to carefully examine the census rolls of the enumeration of their respective Districts, and pass upon each and every name appearing upon the citizen roll. The name of any person appearing thereon whom they may know to or have good and sufficient reason to believe to be a non citizen and not entitled to appear upon such census roll shall be stricked out with red ink and the word "non citizen" entered in red ink in the margin of remarks opposite the name, and such person so declared to be a non citizen, shall be placed upon the proper rolls prepared for that purpose. The name of any person who shall have been placed upon the non citizen roll by the solicitors of the several districts but who may be declared to be a bona fide Cherokee by suchCommittee and all persons known to be bona fide Cherokee citizens who have been inadvertantly omitted to be enrolled by the census takers, shall be added to the citizen census roll aforesaid; and all persons so wrongly enrolled on non citizen rolls, shall be with red ink stricken from the non citizen roll with proper entry under the head of remarks, opposite such name.
Section 8. Be it further enacted: That the said census rolls after they have been fully examined and the necessary corrections shall have been made as herein before provided, shall be signed in approval by the respective committees and accepted by the National Council, and shall be deemed and taken as the authenticated census rolls of the Cherokee Nation. And it shall be the duty of the Principal Chief to cause one or more of his Executive secretaries to make copies of the said census roll in alphabetical order of all on the citizen rolls to be used by the treasurer as pay rolls and the Principal Chief is hereby authorized to certify to the said census rolls under the seal of the Cherokee Nation.
Section 9. Be it further enacted: That the census takers so appointed shall receive three and one half dollars per diem for their actual time of service and the Principal Chief is hereby authorized and directed to draw his warrants for the same, upon the certificatesof at least two members of the said board of census takers and an amount sufficient to carry into effect this provission of the act is hereby appropriated out of any money in the treasury not otherwise appropriated.
Section 10. Be it further enacted: That the sum of one hundred dol-

lars or so much thereof as may be necessary is hereby appropriated out of any money in the treasury belonging to the general fund not otherwise appropriated, to pay for the printing of the blank census rolls to be furnished to the census takers of the several districts, and the Principal Chief is hereby authorized and directed to draw his warrants for the same.

Section 11. Be it further enacted: That the clerks of the several districts are hereby authorized and directed to report to the Principal Chief on or before June 30th 1893, all permitted persons in their several Districts.

Section 12. Be it further enacted: That the Principal Chief shall furnish the Solicitors of the several Districts blank rolls on which shall be enrolled all persons who are declared to be intruders or unauthorized persons. The persons shall be enrolled as follows: 1st, names; 2nd, Race or Nationality; 3rd, occupation; 4th, age; 5th sex; 6th, number of improvements claimed or held, and by whom occupied, such persons so enrolled giving year of occupancy; 7th, the number of acres inclosed or in cultervation; 8th, number in family.

Section 13. Be it further enacted: That the solicitors of the several Districts be and ~~their~~ they are hereby directed to report within ten days after the census takers are required to make their report, all persons who are intruders or unauthorized persons, in their respective districts and the Principal Chief is hereby authorized to appoint one person each, Cooweescoowee, Delaware, Illinois, Sequoyah and Tahlequah Districts, who shall assist the Solicitors of those districts in reporting such persons. The said persons appointed by the Principal Chief shall receive one hundred dollars each, and there is hereby appropriated for that purpose out of any money in the treasury belonging to the General Fund and not otherwise appropriated the sum of five hundred dollars and the Principal Chief is authorized to draw his warrants accordingly.

Section 14. Be it further enacted that if any solicitor refuses or fails to perform the duties as herein provided, the Principal Chief is hereby authorized to suspend said solicitor from office.

Passed the Senate April 13 1893.

J. L. Thompson,
Clerk of Senate.

T. M. Buffington,
Prest. of Senate.

Concurred in by Council April 14th 1893.

W. C. Fields,
Clerk of Council.

G. W. Clark,
Speaker of Council.

Approved April 15th 1893.

C. J. Harris,
Principal Chief.

Executive Office Cherokee Nation,
Tahlequah, I. T.

I, B. W. Alberty, assistant executive secretary of the Cherokee Nation do hereby certify that the foregoing two and a fraction pages, is a true copy, taken from the record of laws made and kept in this office and in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 17th day of February, 1902.

(Signed) B. W. Alberty,
Assistant Executive Secretary
Cherokee Nation."

(SEAL)

The agent for the applicant offers in evidence the following certificate:

"Executive Office Cherokee Nation, Tahlequah, I. T. I, B. W. Alberty, Assistant Executive Secretary do hereby certify that there is no list of persons filed in this office showing what particular persons were added to the census rolls of 1896 by the several Council and Senate committees as provided by act of the National Council entitled 'An act providing for a revision of the Census,' approved November 9, 1896.

Given under my hand and the seal of the Cherokee Nation this the 18th day of March, 1902.

B. W. Alberty,
Assistant Executive Secretary
Cherokee Nation."

(SEAL)

COMMISSION: Do you submit the case in behalf of the applicant?
MR. BLEDSOE: Yes, sir.

The agent for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur C. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Cher-D-1017.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 21, 1902.

In the matter of the application of Joel J. Morton for the enrollment of himself and his children Robert L., Grover C., William H., and Mary B. Morton as citizens by blood of the Cherokee nation, and for the enrollment of his wife Laura Morton as a citizen by intermarriage of the Cherokee nation.

Joel J. Morton, called as a witness, being first duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Joel J. Morton.
Q How old are you? A Fifty one.
Q What is your postoffice address? A Barren Station.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you been living in the Cherokee nation? A Born and raised here.
Q Lived in the Cherokee nation all your life? A No, I was out and in all the time for quite awhile.
Q For how many years have you lived continuously in the Cherokee nation?
A Ever since 1888.
Q You have not been out since '88? A No sir.
Q What is your wife's name? A Laura.
Q Is she a white woman? A Yes sir.
Q When were you married to her? A In 1891.
Q Is she your first wife? A My second; my first wife died in Missouri.
Q What was your first wife? A white woman? A Yes sir.
Q What was her name? A Lucinda.
Q When did she die? A I don't know; somewhere in the '70's.
Q Then she was dead when you married Laura? A Yes sir.
Q Had Laura ever been married before she married you? A Yes sir.
Q Is her first husband dead? A Yes sir.
Q Have you and your wife been lving together ever since you were married?
A Yes sir.
Q Never have been separated? A No sir.
Q And are living together now? A Yes sir.
Q Your home has been in the Cherokee nation ever since you were married?
A Yes sir.
Q How many children have you? A Five.
Q Are they all living? A Yes sir.
Q When was the youngest one born? A I don't remember; about a year and a half ago.
Q What is her name? A Flossie.
Q Born a year and a half ago? A Yes sir.

Examination by Joshua Ross, attorney for applicant:

Q Are you the father-in-law of Thomas Welch, Jr.? A Yes sir.
Q Your present wife is his wife's mother? A What?
Q Is your wife Laura, Tom's wife's mother? A Yes sir.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 28th, 1902.

B. C. Jones
Notary Public.

Cherokee D-1017.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joel J. Morton for the enrollment of himself and his minor children, Robert L., Grover C., William H., Mary B. and Flossie Morton, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Laura Morton, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 18, 1900, Joel J. Morton appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself and his minor children, Robert L., Grover C., William H. and Mary B. Morton, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Laura Morton, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 5, and October 29, 1902, and on October 31, 1902, a birth affidavit was filed for Flossie Morton, a fifth child of the applicant.

The evidence shows that the said Joel J. Morton, also known as Jack Morton, is a Cherokee by blood; that he is identified on the 1880 pay roll of the Cherokee Nation as J. J. Morton, on the 1894 strip payment roll by the name of Jack Morton, and he is identified on the Cherokee census roll of 1896 as a native Cherokee. His wife, Laura, a white woman, was married to him on April 13, 1890, and the above named children are the issue of that marriage. Laura Morton and her four older children are identified on the Cherokee census roll of 1896. Flossie Morton is identified by a birth affidavit made a part of the record herein.

The evidence further shows that the said Joel J. Morton has resided continuously in the Cherokee Nation since 1886, and that he and his wife, Laura, have been living together ever since they were married. Their minor children are considered to have resided in said nation all their lives.

It is, therefore, the opinion of this Commission that the said Joel J. Morton, Robert L. Morton, Grover C. Morton, William H. Morton, Mary B. Morton and Flossie Morton, should be enrolled as citizens by blood of the Cherokee Nation, and that Laura Morton should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SEAL.)

Tams Bixby
Acting Chairman.

T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 12 1903

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1017

Muskogee, Indian Territory, January 12, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting the application of Joel J. Morton for the enrollment of himself and his five minor children, Robert L., Grover C., William H., Mary B. and Flossie Morton, as citizens by blood, and for the enrollment of his wife, Laura Morton, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof, in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-18

1017

Decision

ER OF THE APPLICATION OF

Joe J Morton, et al

OF ENROLLMENT AS

CHEROKEE CITIZEN

[illegible] 1/20

Testimony [illegible] 1/20

Certificate of Guardianship record

Notice of final consideration 3/14/02

Receipt for testimony

Cher D 1018

Cher D 1018

FILED
JAN 10 190

REJECTED, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 18th, 1900.

In the matter of the application of William Carlton Hutchinson for the enrollment of himself and children as citizens of the Cherokee Nation; said Hutchinson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A William Carlton Hutchinson.
Q How old are you Mr? Hutchinson? A 29.
Q What is your post office address? A Southwest City, Missouri.
Q In what district do you live? A Delaware.
Q Who is it you want to enroll? A Two children.
Q Are these your own children? A Yes, sir.
Q You don't apply for yourself? A No, sir.
Q You are a white man? A Yes, sir.
Q You never married according to Cherokee law? A I did, I married in January, 1896.
Q You might apply so that you can go on the records; so then you will apply for yourself and two children? A Yes, sir.
Q You apply for yourself as an intermarried man? A Yes, sir.
Q Let me see your marriage license and certificate? (Hands paper to COM'R.)
Q Your wife's maiden name was Polson, was it? A Yes, sir.
Com'r:--The applicant presents an official copy of his marriage license and certificate showing that he was licensed on January 24, 1896, by the Clerk of Delaware district, to marry his wife, Mrs.F. A. Polson, and that they were united in marriage on the same date by the Clerk of the district. This is filed herewith.
Q You had been previously married under United States law? A Yes, sir.
Q Did you live with your wife from the time you married her until she died? A Yes, sir.
Q How longhas she been dead? A 24th day of May, 1900.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you married since her death? A No, sir.
Q Give me, please, the names of your children? A Harry Ridge.
Q Howold is that child? A He will be four years old the 13th day of January.
Q The next child is Edith Frances, is it? A Yes, sir.
Q That child was born the 7th of December, 1898? A Yes, sir.
Q Did your wife live in the Cherokee Nation all her life? A Pretty near it.
Q How old was she when she died? A She was 31 I think.
Q During what part of her life had she lived out of the Cherokee Nation? A Well, I think right after she was born a while they lived in Arkansas and then along in the '90's sometime away.
Q How much was she away during the 90's? A She was away the three years she was away to school.
Q Was she only away attending school? A No, she worked in St. Louis for a couple of years.
Q What years were those? A '94 and '95.
Q Did she marry in St Louis? A Yes, sir.
Q Your first marriage was in St. Louis and then remarried here under Cherokee law down here? A Yes, sir.
Q She was just working on a salary? A Yes, sir.
Q Where were her father and mother whil she was working in St. Louis? A Both dead, her father died while she was there.
Q Where did her father die? A He died at Southwest City

REJECTED, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 18th, 1900.

In the matter of the application of William Carlton Hutchinson for the enrollment of himself and children as citizens of the Cherokee Nation; said Hutchinson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A William Carlton Hutchinson.
Q How old are you Mr? Hutchinson? A 29.
Q What is your post office address? A Southwest City, Missouri.
Q In what district do you live? A Delaware.
Q Who is it you want to enroll? A Two children.
Q Are these your own children? A Yes, sir.
Q You don't apply for yourself? A No, sir.
Q You are a white man? A Yes, sir.
Q You never married according to Cherokee law? A I did, I married in January, 1896.
Q You might apply so that you can go on the records; so then you will apply for yourself and two children? A Yes, sir.
Q You apply for yourself as an intermarried man? A Yes, sir.
Q Let me see your marriage license and certificate? (Hands paper to COM'R.)
Q Your wife's maiden name was Polson, was it? A Yes, sir.
Com'r:--The applicant presents an official copy of his marriage license and certificate showing that he was licensed on January 24, 1896, by the Clerk of Delaware district, to marry his wife, Miss.F. A. Polson, and that they were united in marriage on the same date by the Clerk of the district. This is filed herewith.
Q You had been previously married under United States law? A Yes, sir.
Q Did you live with your wife from the time you married her until she died? A Yes, sir.
Q How longhas she been dead? A 24th day of May, 1900.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you married since her death? A No, sir.
Q Give me, please, the names of your children? A Harry Ridge.
Q Howold is that child? A He will be four years old the 13th day of January.
Q The next child is Edith Frances, is it? A Yes, sir.
Q That child was born the 7th of December, 1898? A Yes, sir.
Q Did your wife live in the Cherokee Nation all her life? A Pretty near it.
Q How old was she when she died? A She was 31 I think.
Q During what part of her life had she lived out of the Cherokee Nation? A Well, I think right after she was born a while they lived in Arkansas and then along in the '90's sometime she was away.
Q How much was she away during the 90's? A She was away the three years she was away to school.
Q Was she only away attending school? A No, she worked in St. Louis for a couple of years.
Q What years were those? A '94 and '95.
Q Did she marry in St Louis? A Yes, sir.
Q Your first marriage was in St. Louis and then remarried here under Cherokee law down here? A Yes, sir.
Q She was just working on a salary? A Yes, sir.
Q Where were her father and mother whil she was working in St. Louis? A Both dead, her father died while she was there.
Q Where did her father die? A He died at Southwest City

Q Her mother died when she was little and where did she live in the Cherokee Nation from ~~xxxx xxxx~~ her early life up until about 1893 when she took a salaried place there in St Louis? A She lived wi th her family.
Q Where did they live? A They lived in the Nation part of the time and in Arkansas some. He moved backwards and forwards on account of hishealth.
Q Do you know about how much time they spent in Arkansas? A No, sir.
Q Where did they live in Arkansas? A Fayetteville.
Q She had lived partly in the Cherokee Nation and partly in Arkansas up to the time she went to St. Louis? A She went to the Fayetteville school and graduated.
Q And then after she graduated there where did she go? A Poughkeepsie, New York and graduated there and after graduating there, she went to St. Louis.
Q How long had she livedin the Cherokee Nation before she went to school here at Fayetteville? A That I do not know.
Q Give me the name of your wife's father? A I do not know what his initials were, Dr. Polson--F. D., that's right.
Q Is he dead? A Yes, sir.
Q Give me the name of your wife's mother? A Flora I think.
Q Is she dead? A Yes, sir.
Q Her mother died before 1880 did she? A Yes, sir.
Q And then did your wife's father marry agai n? A Yes, sir.
1880 Roll; page 297, #1973, F. A. Polson, Delaware.
1896 Roll; page 480, #1437, Flora Alice Hutchinson, Delaware.
1896 Roll; page 574, #229, Carl Hutchinson, Delaware.
Q Mr. Hutchinson, where did your wife die? A Denver, Colorado.
Q Had she gone out there for her health? A Yes, sir.
Q Where did she live after her marriage to you, in the fall of 1896? A Lived in St. Louis a little while and come down to Delaware district/
Q When did you go to Delaware district? A Came there March,'97.
Q Now, where were these children born? A One in St. Louis and the other in the Territory.
Q The elder one in St/ Loui s? A Yes.
Q Now, when you came down to Delaware district with your wife in March, 1897, how long did you stay there and make it your home? A I staid there unti l I had to take her to Colorado for her health?
A When was that? A That was in the Spring of '99.
Q What business were you engaged in in Delaware district? A Farming.
Q You made it your home consistently from 1897 until you took your wife away on account of her health? A Yes, sir.
Q And she staid in Colorado until she died last Spring? A Yes, sir.
Q No application was ever made by your wife or by you for her for readmission to citizenshi p after her return to the Cherokee Nation?
A No, sir.
Q Neither to the Dawes Commission nor the Council? A No, sir.
Q Now, you were married in january, 1896, were you making arrangement to come to your farm between january, 1897 and March, 1897?
A Yes, sir.
Q And as soon as you could get possession you came? A Yes, si r.
Q And that was in March, 1897? A Yes, sir, I had a wheat crop put in the Fall before.
Q You had a wheat crop put on the farm in the Fall of 1896? A Yes, si r.

William C. Hutchinson--3.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and two children: His Cherokee wife to whom he is shown to have been married in accordance with Cherokee law by the license and certificate filed herewith, is identified on the rolls of 1880 and 1896 as a native Cherokee. She was absent from the Cherokee Nation for a considerable period, as set forth in detail in the testimony, between 1880 and 1896, acquiring her education, and after she had finished her technical education she, still unmarried, worked for a salary in the City of St. Louis during the year of 1894 and the greater part of 1895. The applicant states that he and his wife were married in the Fall of 1895 and that they immediately took steps to get possession of farming property to which they had a claim in Delaware District; that he put that property in wheat in the Fall of 1896, and that they removed upon it and made it permanently their home in March, 1897. There they continued to live until the Spring of 1899, he was compelled to take his wife to Colorado for her health, where she continued for about one year when she died. While the applicant's wife did not resume her residence in the Cherokee Nation for several years after she had reached her majority, yet the circumstances attending her residence outside of the Cherokee Nation are of a peculiar character and do not seem to have impaired her legitimate claim to citizenship. It is desired, however, that the full Commission pass upon the question of residence and therefore the two children of this marriage, Harry K. and Edith E., will, when certificates of birth are filed with the Commission, be enlisted for enrollment on a doubtful card as Cherokees by blood and the final decision of the Commission will be made known to the applicant at his post office address.

The applicant himself is shown to have been married to his wife under Cherokee law January 24, 1896. They having been previously married under United States law. Neither was married prior to this marriage. He lived with his wife from the time of their marriage until her death and since her death he has not remarried. He is identified with his wife on the roll of 1896. He is a white man but his marriage is too late under the Cherokee law of December, 16, 1895, to entitle him to enrollment as a citizen and therefore, the application for his own enrollment is rejected.

---oooOOooo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

D 1018

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 8 1901

A. [illegible] CHAIRMAN

Supl. C.-D.#1018.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Harry R. and Edith F. Hutchinson as Cherokee citizens by blood; introduced on part of applicants:

Mr. J. L. Baugh, Cherokee Representative, present.

CLAUDE L. WASHBURN, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Claude L. Washburn.
Q What is your age? A 44.
Q Post office? A Southwest City.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know William C. Hutchinson? A Yes, sir
Q Did you know his wife? A Yes, sir
Q What was her name? A Her name was Alice Polson before his marriage, Flora Alice, full name.
Q Is she living? A No, sir, she is dead.
Q What was her father's name? A Polson, William Davis Polson.
Q Is he living? A No, sir, he is dead.
Q Did you know her mother's name? A Yes, sir.
Q What was that? A Name was Flora Chamberlin Ridge before her marriage.
Q Is she dead? A Yes, sir.
Q Are you any relation to Flora Alice Polson? A Yes, sir
Q What? A She was my first cousin.
Q Has she any children? A Yes, sir.
Q What are their names? A Harry Reed and Edith Hutchinson.
Q Are they living? A Yes, sir.
Q Where was Alice Hutchinson, the mother of these children, born?
A She was born in the Cherokee Nation.
Q Now, tell the Commission what you may know about her residence from the time she was born until the time of her death?
A She lived in Delaware district, right near Southwest City all of her life until after her mother died, they were sent, the children were sent to Fayettville.
Q Well, what children? A Her mother's children, and she among them went to Fayetteville and went to School there and after she got through there, she went to Poughkeepsie, New York, and graduated there and come back to St. Louis on her way from there and took a situation with the New York Life Insurance Company and worked for them and she was there when she married.
Q She was a single woman all that time? A Yes, sir, and her home was still back here at her brothers and sisters, and her father was still living at the old place.
Q Her father was still living in the Cherokee Nation? A Yes, sir
Q Did her father die in the Cherokee Nation? A Well, it was just across the line in Southwest City.
Q Did her mother die in the Cherokee Nation? A Yes, sir, died at the old home.
Q Well, Flora Alice was a child when her mother died?
A Yes, sir.
Q She was married in St. Louis? A Yes, sir.
Q How long did she live in St. Louis after she was marri ed?
A Why, I don't remember just exactly how long, something like a year
Q Did they have any children? A Two children.
Q Where were the children born? A One of them was born here and one of them was born I think In St. Louis.
Q Where are the children living now? A They are with their father's sister now.

Q Where? A Iowa.
Q In the State of Iowa? A No, Illinois.
Q They are orphan children? A Yes, half orphans, their father is living.
Q Is their father still living? A yes, sir
Q where is he living? A He is in St. Louis now.
Q Is he a white man? A Yes, sir.
Q Where did the mother of these children, Alice; where did she die?
A She died in Denver, Colorado.
Q Was she living there when she died? A She temporarily, she went out there for her health, went in November I think and died the following May.
Q well, as I understand, of your own knowledge, Alice, the mother of these children, has been going to school in different places?
A Yes, sir, went to school at Fayetteville a while and went from there to Poughkeepsie, New York, and graduated at the University at Fayetteville and graduated at Poughkeepsie; but during all this time she called home at the old place, and she had part of that place.
Q Was herfather all this time living in the Cherokee Nation?
A Yes, sir
Q He was living in the Cherokee Nation up until her mother's death?
A Yes, sir.

MR. BAUGH: Mr. Washburn, what age was Mrs. Hutchinson when she was married? She must have been about 27 or 8.

Q How long had she been in St. Louis at the time she married?
A I don't know just exactly, don't remember about the year.
Q well, do you know whether or not they kept house in St. Louis?
A I don't think they ever kept house, they lived there a while but I think they just boarded, I am not positive.

COM'R NEEDLES: Do you know what year that was they kept house in St. Louis, the year after they were married; do you know the year they were married in? A They were married in '95.

Q Well, now then, where was Alice in the year 1898? A Why she wa was over here here on the old home place I think
Q In the Cherokee Nation? A Yes, sir, Delaware district; they were living there at the time in 1898 to the best ofmy knowledge.
Q The youngest child, Edith, was born there; now the older child was named Harry; Harry was born in St. Louis? A Yes, sir.
Q And the younger child, Edity, I understand you to say was born in the Cherokee Nation? A Yes, I think I am right about that.

MR. BAUGH: Do you know when they returned to Delaware district to live? A I think in the spring of '96 if I rembmer right, '96 or '7, in the latter part of the winter.

COM'R NEEDLES: And did they live here until her death?
A yes, sir; until the time they went to Colorado for her health.

J. T. HARDY, being duly sworn and examined by Commiecioner Needles, testified as follows, on part of applicants:

Q What is your name? A J. T. Hardy.
Q What is your ~~name~~ A 44.
Q What is your post office? A Southwest City.
Q Missouri? A Cherokee Nation; well Southwest City is in Missouri.
Q Are you a citizen of the Cherokee Nation? a Yes, sir
Q By blood? A No, sir, adopted.
Q Well, did you know Alice Ritchinson? A Polson?
Q Polson I mean? A Yes, sir
Q What was her father's name? A Davis Polson.
Q And her mother's name? A Flora.
Q What was her husband's name? A Carl Ritchinson.
Q Was he a white man? A Yes, sir

Q Do you know whencarl Ritchinson and her removed permanently to the Cherokee Nation? A Wel , I could not give the exact dates, olet's see; they have lived, it has been something near four or five years. They moved there along towards the spring and remained there; I don't remember whether it was early during the year or not, and the doctor examined her and told her to go to Colorado for her health that that was the only chance for her, and went there and stayed one summer and come back, and got worse and come over and got Dr. Portner to examine her and he told her and went back again and she died there last May was a year.
Q Do you know her children? A Yes, sir.
Q What was their names? A I only know the given names, called one Ridge and the other Edith.
Q Where was Reed born? A St. Louis.
Q And Edith born? A Cherokee Nation, Delaware district.
Q Where are these children now? A Winchester, Illinois.
Q With relatives there? A With their aunt, his sister.
Q You have heard the testimony of Mr. Washburn? A Yes, sir
Q Your testimony as to the residence of Flora Ritchinson about the same as his? A Yes, sir
Q If you know of any other point of different place state it?
A Wel , I know she has had a place right close to where I live ever since I married; the father divided up the estate and he taken care of it during his lifetime and whenhe died my wife had possession of it; that is, when they was not on it.
Q When she was single did she make her home with her father?
A Well, he was single.
Q Her name wason the roll of 1880? A Yes, sir, and on other rolls I have had it put on some of the rolls myself.
Q Always recognized as a Cherokee citizen? A Yes, sir.
Q You t hink that she and herhusband made their home in the Cherokee Nation previous to 1898, he swears March, '97?
A I don't know the exact dates when they when they lived there to make their home; I was to their place in St. Louis and they had the place rented there, furnished rooms, her husband never knew her until she went to St. Louis.
Q She came from New York? A Yes, sir, came back there to work.
MR. BAUGH: Do you know what age she was when she went to New York to school? A No, sir, I could not tell you.
Q You say she is a sister-in-law of yourself A Yes, sir.
Q How long was she in Schooll in New York? A I think something near a year.
Q And then she returned to St. Louis? A Yes, sir, she come back there and stopped, she had acquaintances there and got a position there.
Q How long did she live in St. Louis alotgether? A I could not tell you
Q Well, do you know whether or not she meaintained and kept a residence in St. Louis after she married; that is she kept house there? A Sh e kept house there a while.
Q And of course that would be counted her place of residence at that time? A Yes, sir, they was only temporary because they were intending to come back to their residence place here.
Q About how long were they there after that marriage? A About a year something over, maybe two, I can't tell; they were back here though during the time.
Q Back on a visit? A Yes, sir, and to look after their interests
Q You don't know whether or not they owned any property there?
A No, sir.
COM'R NEEDLES: Mr. Hardy, Mr. Hutchins, the husbaond of Flora Alice, and the father of these children, in his testimony statrs that he came to Delaware district with his wife and made it his home in March, '97; do you think that is correct? A I expect that is correct.
Q Do you know whether Hutchinson made any crop there after he moved?

Supl.C.D.#1013.---

A Yes, sir.
Q About how many crops? A Two or three.
Q Before his wife's death? A Yes, sir, he moved his house and fence back to take his allotment after the surveyors came he moved his house to take his eighty acres.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 5th, 1901.

Commissioner.

D1018

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
APR 1 1902

ACTING CHAIRMAN

R.

C. D-1018.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of William C. Hutchinson for the enrollment of his children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 24, 1902, that his application for the enrollment of his children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1818.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Harry R. Hutchinson and Edith F. Hutchinson for enrollment as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 18, 1900, William Carlton Hutchinson appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his two minor children, Harry R. Hutchinson and Edith F. Hutchinson. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 4, 1901. The other party to this application is differently classified and is not embraced in this decision.

The evidence shows that on January 24, 1896, William Carlton Hutchinson, a White man, was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Flora Alice Polson, a citizen by blood of the Cherokee Nation. That they lived together as husband and wife from the time of their marriage until her death as hereinafter mentioned, and that these applicants were born of that marriage.

The said Flora Alice Polson is identified on the 1880 authenticated roll of the Cherokee Nation, by the name of F. A. Polson, and on the 1896 Census Roll of said Nation: in both cases as a native Cherokee; and on the 1894 strip payment roll of said Nation by the name of Alice Polson. The father of the applicants is also identified on the said 1896 Census Roll as an adopted White. The applicants are too young to appear on any of the tribal rolls of said Nation, but are identified by birth affidavits filed with the Commission.

The mother of the applicants was born in the Cherokee Nation, and lived there nearly all her life. She was temporarily absent a few years while attending school in Arkansas and in New York. She also spent about three years in St. Louis, Missouri, where she married her said husband under the State Laws in the Fall of 1896. They were later re-married under the Cherokee Laws as before stated. In March 1897 they returned to the Cherokee Nation and resided there continuously with the applicants, their children, until the year 1899, when they went to Colorado temporarily on account of her health, and remained there until she died in May 1900.

The mother of the applicants always claimed the Cherokee Nation as her home, and her absence therefrom was always of a temporary nature, having never acquired a permanent residence elsewhere. After her death, their father returned to said Nation where he has since resided continuously up to and including the date of this application, and the applicants, who are minors of tender years, are presumed to have resided with him up to that time.

It is therefore the opinion of this Commission that Harry R. Hutchinson and Edith F. Hutchinson should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory, this SEP 20 1902.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS IN REPLY TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1018.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of William Carlton Hutchinson for the enrollment of his two minor children, Harry R. and Edith F. Hutchinson, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 95.

D1078

Decision

IN THE MATTER OF THE APPLICATION OF

Harry R. Hutchinson et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A. [illegible] testimony filed 1[illegible]

B. Memo of application filed [illegible]

C. Marriage license or certified copy of record

D. Certificate of birth as to Harry H

E. Certificate " " " Edith

F. Supplementary testimony 04/01

G. Notice of final consideration, 3/14/02

Due to [illegible] ticket 503

Cher D 1019

Cher D 1019

4619

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 1[illegible] 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 18, 1900.

In the matter of the application of Eura Scott for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give me your full name? A Eura Scott.
Q Have you any middle name? A No sir.
Q How old are you? A 20.
Q What is your post-office? A Tahlequah.
Q Do you live in Tahlequah District? A Yes. That's my home.
Q Who is it you want to enroll, just yourself? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Well for the last year I have been going to school in St. Louis.
Q Have you ever been out of the Cherokee Nation except to attend school? A Not as I know of, no.
Q What's that? A No sir.
Q Give me the name of your father? A Hiram Scott.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Sarah Scott.
Q Is she dead? A Yes sir.
Q When were you 20? A Last January 27th.
Q How long has your mother been dead? A Died when I was seven years old.
Q Where did she die? A Here at Tahlequah.
Q How long has your father been dead? A I don't remember my father.
Q How old was your mother when she died? A I don't really know her age.
Q Did she have children besides you? A No sir, I don't thinks
Q You are the only child so far as you know? A Yes sir.
Q Did she die young or was she advanced in life? A I think she was about thirty.
1880 roll examined for applicant and parents and names not found.
1896 roll page 1338 #2907 Eura Scott Tahlequah native
Q Weren't your people admitted to citizenship by the Cherokee council or Commission? A I don't know.
Q Did your family not come from Kansas along about the year 1880 or 1881? A I don't know.
Q Where were you born? A I never learned much about my folks; they died when I was young.
Q But you have some idea about where you were born? A I think it was in Missouri.
Q Have you uncles and aunts living? A On my mother's side I did have; I don't know whether they are living at the present time or not. Sundays;- she was a Sunday, before she was married.
Q Where was she married? I don't know.
Q Have you any evidence of your mother ever having been admitted to citizenship, or your father, by the Cherokee Council or Commission? A Mr. ~~Rockxquadsby~~ Barnes probably can tell you.
Q Have you any official evidence? A No sir.
Q No certificate of admission? A No sir.

Com'r Breckinridge: The applicant is identified on the rolls of 1896 as a native Cherokee; he states that he was born in January and that he is twenty years of age, which would place his birth in January, 1880; he claims to have lived in the Nation all his life; but it appears from his further testimony that he was not born in the Cherokee Nation; had he lived in the Cherokee Nation all his life he should be upon the roll of 1880, but he is not identified upon that roll, neither are his father or mother identified upon the roll

of 1880; he does notxxxxxx produce evidence of having been admitted to citizenship by the Cherokee Council or Commission, nor any evidence of such admission of either his father or mother; it does not appear that he ever acquired citizenship in any manner from the testimony now before the Commission, and he will be placed upon a doubtful card as a Cherokee by blood, to await satisfactory evidence of his having been admitted to citizenship or of his having acquired citizenship through his father or mother.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 14,1901.

C A Bennett

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 17 1901

ACTING CHAIRMAN

"D" #1019.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 19th, 1900.

IN THE MATTER OF THE ENROLLMENT OF EURA SCOTT, "D" #1019.
Eliza M. Alberty, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Eliza M. Alberty.
Q How old are you? A Sixty one.
Q What is your Postoffice? A Tahlequah.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You want to give some testimony in regard to the application of a young man named Eura Scott? A Yes sir.
Q Did you know his mother? A Yes sir.
Q What was his mother's name? A Sarah Sunday, daughter of Anderson Sunday.
Q Was she a native Cherokee woman? A Yes sir. She was taken away from here during the war: Her father was killed during the War, and she married up there a man named Scott, and came back when this boy was a little child.
Q When did she come back? A I think it was in '81 or '2.
Q How long has she been dead? A He was seven years old when she died: She died here at Mr. Barnes'.
Q How old would she be if she were living now? A I did not know her age: They took her off from here when she was a girl.
Q What I am trying to find out is how old she was when she came back here? A I can not tell her age.
Q She was not an old woman was she - quite young? A She married while she was away.
Q Was this her first child? A Yes sir.
Q Her only child? A Yes sir.
Q Was he born soon after her marriage? A Yes sir.
Q Did she marry young? A Yes sir.
Q How old was this young man when she came back here?
A He was just a little young toddling child, and just could talk when she stopped with me.
Q And then she lived here how long? A She lived here until she died.
Q Was that a number of years? A Yes sir: They had taken her away during the war: She lived right here in Tahlequah.
Q Did she live here after she came back, a number of years?
A Yes sir; she died when he was seven years old, and he was only a year old when she came.
Q Was this young man ever in the orphan asylum? A Yes sir.
Q Admitted by the Cherokee authorities? A I just know he went to the orphan asylum.

William W. Hastings, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give your full name? A William W. Hastings.
Q Are you one of the represenatives of the Cherokee Nation?
A Yes sir.
Q Did you know the mother of Eura Scott? A Yes sir.
Q This is the young man here - indicating - is he? A Yes sir.
Q Was Eura Scott ever admitted to to the Cherokee orphan asylum?
A Yes sir.
Q He was admitted by the Cherokee authorities? A Yes sir. , he went to school there in 1890 or 1889, one of those years: I was up there and he was in that chool that year.
Q Do you know how old his mother was when she died? A No sir, I never knew her intimately: My recollection is that she did some work at the Male Seminary in 1882 or 1883.
Q That was soon after she came back, was it? A Yes sir.
Q This young man was a baby then? A Yes sir; he was there at the time; at the male seminary.

Q Was he a student at the Seminary? A I think perhaps about the year I left - in 1884 - he commenced going to school.
Q The point about his being there - at the orphan asylum - is whether he was admitted ~~there~~ by the orphan asylum people, as a Cherokee boy? A Yes sir; he was a student at the orphan asylum; this first was at the Male Seminary: His mother was at work there, and I think he perhaps went to school when he was quite a small boy: that was in 1882: He was four, five or six years old: I afterwards taught at the orphan asylum and he was in school there.
Q The question with me to some extent turns on whether his mother was absent from the Cherokee nation in a way that made it necessary for her to be readmitted? A I do not know anything about that.
Q You do not know how old she was when she came back?
A No sir; I only have a faint recollection about her: I remember her being there, and this boy was with her: There were some two hundred or two hundred and fifty of us boys there, and they were staying there.
Q But he was admitted into the Cherokee orphan asylum? A Yes sir. He was admitted afterwards into the Cherokee Orphan Asylum.

Mrs. Alberty recalled:
Q Mrs. Alberty, you say that Eura Scott's mother was taken away by her people during the war? A Yes sir; she was living with some of her realtives when they all went north.
Q She was a child? A Yes sir.
Q And her father was killed just before the war? A Yes sir.
Q When did her mother die? A I do not know.
Q Was she an orphan as far back as you can remember? A Yes sir.
Q Was she an orphan when she was taken north? A Yes sir; I think she was.
Q She was dependent upon those people? A Yes sir, ~~before~~ and she came ~~back~~ as soon as she could get back.
Q She always spoke of this as home? A Yes sir; I was at the Male Seminary and she stopped with me the first place she came here. He was just a child.

Robert B. Ross, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give me your full name? A Robert B. Ross.
Q How old are you? A Fifty five.
Q What is your Postoffice? A Parkhill.
Q Have you lived in the Cherokee nation all your life?
A Yes sir.
Q Do you know this young man here, Eura Scott? A Yes sir.
Q Did you know his mother? Sarah? A Yes sir.
Q Was her maiden name Scott? A Yes sir; that was what she was known by: She was recognized here as being a Scott.
Q Did you know her all her life? A No sir. I became acquainted with her in about 1882; between '82 and '83.
Q Did you know her mother? A No sir.
Q Did you know who her mother was? A No sir.
Q Was she recognized as a Cherokee woman by blood? A Yes sir.
Q Everybody accepted her as that? A Yes sir; everybody accepted her as such.
Q Was she considered in regular as a descendent of these Cherokee people by blood? A Yes sir.
Q How old was she when you first knew her?
A I do not recollect.
Q Was she quite a young woman? A Yes sir.
Q She had only been married two or three years, has she?
A Yes sir; three or four years.
Q Did she look like a woman who had married early in life; married young? A It has been so long that I do not remember.
Q Do you know anything about her coming back to the Cherokee Nation? A My understanding is that she came back in 1882 or 1883.

Q Was her husband dead when she came back? A yes sir.
Q And she brought her child, Eura Scott, with her? A yes sir.

Eura Scott, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q How long did your father live after his marriage to your mother?
A I do not know.
Q Have you any recollection of your father? A No sir.
Q He died when you were an infant? A Yes sir.
Q Do you know how long your father was dead before your mother came back to the Cherokee Nation? A No sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A A Evans

Subscribed and sworn to before me this 12th day of January, 1901.

C R Breckinridge

COMMISSIONER.

FILED
JAN 11 190

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 19th 1900.

SUPPLEMENTAL TESTIMONY.

CARD—D 1019.

Henry C. Barns, called and sworn as a witness in the above numbered application, testified as follows before Commissioner Breckinridge.

Q What is your name? A. Henry C. Barns.
Q What is your post office? A. Tahlequah.
Q Are you one of the witnesses here for the Cherokee Nation? A. Yessir
Q Do you know anything about Eura Scott. ? A. Yes sir.
Q Are you his guardian? A. I was.
Q What is his mother's name? A. Sarah.
Q When did his mother die? A. She died in 1887 as well as I remember
Q How old was she when she died? A. 35 I reckon.
Q Do you remember when she came back to the Cherokee Nation? A. I remember when she came to my house in 1882, she said then that she had only been here a short time.
Q This Eura Scott was a little child then? A. Yes sir.
Q Was she taken out of the Cherokee Nation when she was quite small? A. She was about eight years old when she was taken to Missouri.
Q Were her people Cherokees by blood— so recognised.
Q Mrs. Tom Sundy was a Cherokee by blood and they claim her as their 1/2 sister.
Q Was her mother a Cherokee by blood? A. I think so. Sundys mother was.
Q Did Sarah Scott say why she had staid out of the Cherokee Nation after she was 21? A. No sir.
Q How long did her husband live after their marriage? A. I dont know, She left him and came back to the Cherokee Nation.
Q This was her only child? A. Yes sir.
Q Only one that she ever had? A. Yes sir to my knowledge.

By Mr. Baugh, Cherokee Representative.

Q About what age was this woman when she came back? A. She claimed that she was taken off in the year 1862———about thirty I think.
Q What has been your understanding as to the Denton's being doubtful Cherokees? A. Dont know anything about them.
Q Do you know whether or not she ever applied to the Cherokee Council for re-admission? A. I dont think she did for she was an ignorant woman and didnt know how to do about it.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 11th of January, 1901.

Commissioner.

COMMISSION TO THE EVIDENCE
DEPARTMENT
APR 1 1907

R.

C. D-1019.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Bura Scott for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 190 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1019.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eura Scott for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 18, 1900, Eura Scott appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at the same place on December 19, 1900.

It appears from the records in the possession of the Commission that both the applicant and his mother, Sarah Scott, are identified as Cherokees by blood on the 1886 pay roll of the Cherokee Nation, the former by the name of "Grey Scott", age six years; that he is also identified as a native Cherokee on the 1896 strip payment roll, and on the 1896 census roll of said Nation.

The evidence shows that the applicant was born in January 1880, and derives his Cherokee blood through his mother. The latter was taken to Missouri by relatives during the Civil War while she was yet an infant. During the time she was in Missouri, she married Hiram Scott, father of the applicant. In 1882 she returned with her son, the applicant, to the Cherokee Nation, and resided there until her death in 1887. Subsequent, to the death of his mother, the applicant was admitted by the tribal authorities to the Cherokee Orphan Asylum as a native Cherokee and spent a year or more there. He has resided in the Cherokee Nation continuously since his return in 1882, with the exception of one year immediately preceding the date of this application, during which time he was temporarily absent attending school.

It is therefore the opinion of this Commission that Eura Scott should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1019.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Eura Scott for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 96.

IN THE MATTER OF THE APPLICATION OF

Delia Ross

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony Dec 18/00
B. Memo Dec 18/00
C. Supplemental Dec 19/00
D. " Dec. 19/00
E. Notice of final consideration, 3/14/02

Transferred to Miscellaneous No 1811

Cher D 1020

Cher D 1020

1020

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 10 1900
Attorney

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 18, 1900.

In the matter of the application of George L. Hanson for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Brackinridge he testified as follows:

Q Give me your full name? A George L Hanson.
Q How old are you? A 30 years old.
Q What is your post-office? A Owasso.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll, just yourself? A Just myself.
Q Are you a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A No sir, I am a North Carolina emigrant.
Q When did you come here? A 1880 I think.
Q Have you lived here ever since? A Yes sir, only I am now from California; I have been there for my health this winter and part of last summer.
Q When did you go to California? A Left last October going a year ago.
Q Left a little over a year ago A Yes sir.
Q And you got back a few days ago? A Got back yesterday in the wagon, come up here.
Q What are you doing out there in California? A For my health principally and I work out there; for my health,- I had hemorrhage of the lungs.
Q Do you keep any property back here? A I have got a farm here
Q As soon as you enroll you are going back to California I suppose? A I am going up here where I belong; I don't know whether I will go back or not; it depends on whether I am advised to by my doctor; I will if I am andif I aint I wont.
Q Did you vote out there in California during this last election?
A No, I wasn't there long enough to vote; I didn't try to vote; the law required me to be there a year and I wasn't there that length of time.
Q Have you got a certificateas to your being admitted with the North Carolina Cherokees? A No sir.
Q What is the name of your father? A Joe Standingwolf.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Lurena Hanson.
Q Did she come with the North Carolina Cherokees? A Yes sir.
Q Is she dead? A No sir.
Q Wherexxxxx, is she living now? A Owasso.
Q Has she lived here ever since she came along in 1880 or 1881?
A Yes sir, never been out of the state to my knowledge.
Q Who is Charlotte? A My wife; she was enrolled I think, at Vinita.
1896 roll page 183 #2412 George Hanson Cooweescoowee

Com'r Brackinridge: The applicant states that he came to the Cherokee Nation with the North Carolina Cherokees in 1880 or 1881, and that he has lived in the Cherokee Nation ever since, except that a little more than one year ago he went to California for his health being afflicted with hemorrhage of the lungs, and that he returned only a day or two ago; he states that his stay in California was only for his health, and that he will now continue xx at his home in the Cherokee Nation unless he is ordered away temporarily by his doctor. He is identified upon the roll of 1896 as a native Cherokee he is desired to supply the Commission with an official copy of he record, showing that he is of the North Carolina Cherokees, which it is presumed he will have no difficulty in doing; pending the receipt of that official evidence, he will be listed for enrollment as a Cherokee by blood on a doubtful card.

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 14th, 1901.

Commissioner.

DEPARTMENT
COMMISSIONER OF INDIAN TRIBES
FILED
NOV 12 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. November, 8th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of George L. Henson Cherokee D. card #1020.
APPEARANCES:
J. C. Starr for the Cherokee Nation
Applicant present in person.

BY COM'R T. B. NEEDLES:

The applicant presents a certificate signed by the Assistant Executive Secretary of the Cherokee Nation under the Great Seal of the Nation, dated at Tahlequah December 18th 1900, certifying that his name appears on the roll of North Carolina Cherokees who removed to the Cherokee Nation on June 8th 1881 under an act of the National Council approved December 3rd, 1880. Said certificate is on file ~~in~~ ~~case~~ with the papers in the case.

Upon an examination of the testimony heretofore taken, the Commissioner at this time is of the opinion that the name of the said George L. Henson should be transferred from a doubtful card to a straight card, he having filed satisfactory proof as to his being a Cherokee citizen.

* * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 6th of November, 1901.

Commissioner.

A 1020

DEPARTMENT OF [illegible]
COMMISSION TO THE FIVE CIVI[illegible]
FILED
APR 1 1902

R.

C. D-1020.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of George L. Hansen for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having, this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

C.L. 1201

R

C. D-1200

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Lou Cramp for enrollment as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

MARY CLINKENBEARD, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Mary Clinkenbeard.
Q What is your post-office address? A Vinita.
Q Are you acquainted with the applicant in this case, Lou Cramp?
A Yes sir.
Q How long have you known her? A All her life, about all my life.
Q Are you a relative of hers? A Yes sir.
Q How are you related? A Sister-in-law.
Q Are you ~~xxxxx~~ acquainted with her husband? John B. Cramp, yes sir
Q How long have you known him? A I knew him about 2 years before he died.
Q And when did he die? A I guess he died in '88.
Q Were you present when he and Lou Cramp were married? A Yes sir.
Q By whom were they married? A Rev. Chamberlain.
Q Was he a minister of the Gospel? A Yes sir, Presbyterian.
Q Did they continue to live together as husband and wife from their marriage until he died? A Yes sir.
Q They were generally recognized in the commuhity as man and wife?A Yes sir.
BY MR. HASTINGS:
Q Did you live right by them? A No sir, I didn't live right by them. I lived about ten miles from them.
Q Do you know of your own knowledge that they lived together until his death? A Yes sir.
Q Continuously, without separation? A Yes sir.
Q Did you state about the time they married? A About 1885, I think.

T. L. CLINKENBEARD, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A T. L. Clinkenbeard.
Q Whatis your post office address? A Vinita.
Q Are you acquainted with the applicant in this case, Lou Cramp?
A Yes sir.
Q Are you related to her? A Yes sir.
Q How? A Sister.
Q Were you acquainted with her husband, John B. Cramp? A Yes sir.
Q When ~~xxxx xxx~~ was he married to your sister, Lou Cramp? A I think it was May 1885.
Q How long did they live together? A Well sir, I couldn't say positive, I think he died in 1888.
Q They lived together continuously as man and wife up until the time he died? A Yes sir.
Q Were you present at the marriage ceremony? A Yes sir.
Q Who married them?A Mr. Chamberlain, a Presbyterian Minister, Cherokee.
Q Was your sister ever married before she married Cramp? A Yes sir. She married a man named Rentle.
Q Was he dead when she married Cramp? A Yes sir.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D-1820.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oooooOooooo--

In the matter of the application of George L. Henson for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 18, 1900, George L. Henson appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at the same place on November 6, 1901.

The evidence shows that the applicant is a native North Carolina Cherokee and that he removed to the Cherokee Nation about 1880 or 1881. It appears from a duly authenticated certificate issued from the Executive Department of the Cherokee Nation, under the seal of said Nation, and now on file with the Commission, that the applicant is identified on the roll of North Carolina Cherokees who removed to the Cherokee Nation on June 8, 1881, under an Act of the National Council approved December 3, 1880. It further appears that he is identified as a native Cherokee on the 1896 Census Roll of said Nation.

The evidence further shows that the applicant has resided in the Cherokee Nation continuously from 1880 or 1881 to the date of this application, excepting a short time from Thanksgiving 1899 to the latter part of 1900, during which time he was temporarily absent in California on account of his health.

It is therefore the opinion of this Commission that George L. Henson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1020.

ADDRESS ALL COMMUNICATIONS TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of George L. Henson for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 97.

D 1070

Decision

IN THE MATTER OF THE APPLICATION OF

George L. Hanson

FOR ENROLLMENT AS

CHEROKEE CITIZEN

A Original testimony [illegible] 1/29

B Memo of supplies [illegible] 1/00

C Certified copy of roll of North Carolina Cherokees

Supplemental [illegible] Nov 6 1901

Notice of final consideration, 5/14/02

Denied

Nov 6 1901

Cher D 1021

Cher D 1021

COMMISSIO

DOUBTFUL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 7th, 1900.

In the matter of the application of Guss Caldwell for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Caldwell being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Guss Caldwell.
Q What is your age? A 32.
Q What is your post office address? A Gideon.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A I have been, yes, sir.
Q Are you now? A Well, yes, sir.
Q By blood or intermarriage? A By adoption.
Q Who do you want to enroll? A My wife and children.
Q Hav you got a certificare of marriage? A Yes, sir.
Com'r--Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Mrs. Ann Caldwell on the 23d day of November, 1895.
Q Your wife's name was Caldwell when you married her? A When I married the econd time.
Q You married the first time in accorance with the laws of the United States? A Yes, sir.
Q What was your wife's name then? A Setser.
Q Is your wife a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Is her name on the roll of 1880? A No sir.
Q What evidence have you got as to her being a citizen? A She was readmitted to citizenship.
Q What is the name of your children? A Isaac Emanuel.
Q How old is he? A 11 years old now.
Q The next child? A Elsie Francis.
Q How old is she? A She is nine.
Q The next child? A Francis Augustus.
Q How old is Francis? A Four past.
Q The next child? A Here she is right here. (Hands paper to Com'r.)
Tule one year old.
1896 Roll; page 1277, #51, Guss Caldwell, Tahlequah.
1896 Roll; page 1151, #573, Annie " "
1896 Roll; page 1151, #574, Isaac A." "
1896 Roll; page 1151, #575, Elsie F." "
1896 Roll; page 1151, #576, Francis A. Caldwell, Tahlequah.
Q Are these children all alive and living with you at this time?
A Yes, sir.
Q Have you lived with your wife continuously since you married her?
A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Is she your first wife A Yes, sir.
Q You have no proof of her citizenship? A Only what I have shown you.
INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:
Q Where was she born? A In the State of Georgia.
Q How old is she? A 35.
Q Where were you married first? Alabama.
Q You lived in Alabama some? A That is my native home.
Q How long did you live there after you married? A Five years as well as I remember.
Q You came from Alabama here A Yes, sir.
BY COMMISSIONER NEEDLES;
Q Has your wife ever been recognized as a Cherokee citizen by blood?
A She calimed that all the time.

Guss Caldwell--2.

1894 Roll; page 1036, #526, Anna M. Calwell, Tahlequah.
1894 Roll; page 1136, #527, Isaac E. Calwell, Tahlequah.
1894 Roll; page 1136, #528, Elsie F. Calwell, Tahlequah.

Com r Needles:--The name of Guss Caldwell appears upon the census roll of 1896 and he presents a marriage license and certificate certifying that he was married to one Mrs. Anna Caldwell, according to the laws of the Cherokee Nation, on the 23d day of November, 1895, and he avers that this was his second marriage, he having been married to her before in the State of Alabama, and the name of his wife, Anna, appears upon the census roll of 1896, as well as the pay roll of 1896. The names of his two children, IsaacE. and Elsie F., appear upon the census roll of 1896 and pay roll of 1896. The name of his child, Francis A., appears upon the census roll of 1896, and he makes satisfactory proof of birth as to a younger child, Tule, whose name does not appear upon the census roll of 1896. No proof is presented as to the admittance of the said Anna Setser, whom he avers was the maiden name of his wife, to citizenship, he being a non-citizen. The name of his wife does not appear upon the authenticated roll of 1880 and no certificate of admission or readmission is presented; by reason thereof, final judgment as to the enrollment of the said Guss Caldwell, as an intermarried citizen and his wife, Anna M., as a citizen by blood, and his children as enumerated herein will be suspended and their names will be placed upon a doubtful card.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

J. O. Rosson

Subscribed and sworn to before me this 8th day of December, 1900.

Commissioner.

12

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
DEC 7 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 19 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC -7 1900 1900.

32

1 Name Guss Caldwell Gideon OB

District TAHLEQUAH. Year 1896 Page 1277 No. 51

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

2 Wife's name Annie Caldwell

District TAHLEQUAH Year 1896 Page 1151 No. 573

Citizen by blood yes Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License Certificate

Names of Children:

3 Isaac E. Caldwell	Dist. TAHLEQUAH	Year 1896	Page 1151	No. 574	Age 11
4 Elsie I. "	Dist. TAHLEQUAH.	Year 1896	Page 1151	No. 575	Age 9
5 Francis A. "	Dist. TAHLEQUAH.	Year 1896	Page 1151	No. 576	Age 7
6 Jule	Dist.	Year	Page	No.	Age 1
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

In 1896 roll as Gus Caldwell

Proof of citizenship - Certificate of the act of readmission as No 2 to the Supreme

6 Print added roll

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 17 1901

ACTING CHAIRMAN.

ND #1021.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 19th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF GUSS CALDWELL AND FAMILY, ND #1021.

Manuel Setser, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Manuel (Manuel) Setser.
Q Do you know Guss Caldwell? A Yes sir.
Q And his wife, Anna? A Yes sir.
Q What relation is she to you? A My daughter.
Q She is about thirty five years of age? A Yes sir.
Q Where was she born? A In North Carolina.
Q Where did she marry? A In Alabama.
Q When did she move to the Cherokee Nation?
A Came in '93.
Q Was she ever admitted to Cherokee citizenship? A They went through the Council: They got their certificates.
Q Did you ever see the certificate? A Yes sir.
Q Do you know where the certificate is? A They got the certificates from John Adair.
Q Where is the certificate? A I can not say: They have got them.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cornett

Subscribed and sworn to before me this 12th day of January, 1901.

T B Needles

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

R.

C. D-1021.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Gus Caldwell for the enrollmentof himself, wife and children as citizens of the Cherokee Nation.

APPEARANCES:
G. W. Benge, attorney for the applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission atits offices in Muskogee, I. T., on the 14th day of March, 1902. The applicant this date, to-wit: the 13th day of March, 1902, appears in person and by his attorney, G. W. Benge, Tahlequah, I. T., and requests that the case be taken up for final consideration. By agreement with the representative of the Cherokee Nation present the request is complied with.

GUS CALDWELL, being first duly sworn, and being examined, testified as follows:

BY MR. BENGE OF MR. CALDWELL: What is your name? A. Gus Caldwell.
Q. What is your post office address? A. Gideon.
Q. How old are you? A. Thirty-three years old.
Q. You appeared before this Commission in December, 1900, and applied for the enrollmentmof yourself, wife and children, as citizens of the Cherokee Nation? A. Yes sir.

In the case of the applicant's wife's mother, Martha Setser, the following document has been filed and made part of the record.

Office of the Commission on Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	No.	Name	Age	Sex	Postoffice	Attorney
1591	1	Martha Setser vs. Cherokee Nation.	54	Female		C.H.Tayler

Applicant for Cherokee Citizenship.

Census Rolls 1851-1852.

The above case being submitted by the defendant's Atty. Mr. C. H. Tayler, all the evidence as well as the rules mentioned in the 7th Sec. of the Act creating this Commission, approved Dec. 8, 1886, it is adjudged and determined by the Commission on Citizenship that the applicant is a Cherokee by blood, and is entitled to all the right and privileges of Cherokee citizens by virtue of such blood and is therefore re-admitted to all rights and privileges of Cherokee citizens, and do hereby so declare.

J. T. Adair, Chairman Commission,
H. C. Bone, Commissioner.

Office Commission on Citizenship,
July 3o, 1888.

Y.

Executive Department, Cherokee Nation,
Tahlequah, I. T., October 6, 1900.

I hereby certify that the above is a true and correct copy as the same appears on the records now on file in this office.

J. T. Parks, Executive Secretary,
Cherokee Nation.

(SEAL)

MR. HASTINGS: You applied for yourself, wife and children in December, December 7th, 1900, at Tahlequah? A. Yes sir.
Q. You gave the age of your wife at that time as 35, was she born in 1865? A. I don't remember, I could not say exactly, because I never had anything to show for it.
Q. That was your best judgment at that time? A. Yes sir.
Q. What is your best judgment now? A. Yes sir.

BY COMMISSION) Do you desire to make any further statement relative to this application?

MR. BENGE: you have no knowledge as to her correct age? A. No sir
Q. Have you a record of her age? A. No sir. I have no correct record of her age.
Q. Has anyone of the family a Bible record of her age? A. Yes sir
Q. If you knew it, I want you to tell it?
A. There is a party has got the correct age, but I have not.
Q. Who? A. Setzer.
Q. What Setzer? A. F.M.Setzer.
Q. Where is the post office of F. M. Setzer? A. Gideon.
Q. What relation does Martha Setzer bear to your wife? A. Mother.
Q. How many other sisters or brothers has your wife?
A. She has one sister and one brother living.
Q. Who is the sister? A. Lizzie Rogers.
Q. Do you know whether Lizzie Rogers has an application for enrollment here or not? A. I think so.
Q. Who are the brothers? A. F. M. Setzer.
Q. Who else? David C. Setzer.
Q. Anyone else? A. No sir.
Q. Are both of them living? A. No sir, David C. Setzer is dead.
Q. Was your wife's father a white man? A. Yes sir.
Q. She derives her Cherokee blood from the mother? A. Yes sir.
Q. Martha Setzer? A. Yes sir.
Q. You heard the certificate read a few minutes ago in her case, is that the same Martha Setzer you have reference to as being the mother of your wife? A. Yes sir.
Q. How long have you been in the Cherokee Nation?
A. Eight or nine years.
Q. What improvements have you, if any, in the Cherokee Nation?
A. I have got a little farm.
Q. And a home? A. A little home.
Q. When did you make it? A. Made it in 1894.
Q. How soon after you came did you make that? A. The following year.
Q. What has been your status as to your citizenship?
A. Free rights and privilges and all.
Q. Do you vote? A. Yes sir.
Q. Who did you vote for the first time? A. For chief.
Q. What chief?A. Harris.
Q. What year was that, if you remember? A. 1894, I think.
Q. Have you voted every year since, every election? A. Yes sir.
Q. Have your rights in that respect ever been disputed?
A. Not for quite a while. A few years ago they were disputed, I could not say positively.

Q. Ever any contest in regard to your vote? A. Yes sir.
Q. How did it come out? A. All right.
Q. Did you vote at the election? A. Yes sir.
Q. How much improvements have you now on the public domain as shown
A. Something like fifty acres?
Q. Living on it? A. Yes sir.

The witness corrects the statement that it was Harris he votedfor. It was Ross.

MR. HASTINGS: You were married first in Alabama? A. Yes sir.
Q. Lived here five or six years? A. Yes sir, remarried

MR/ GIBSON: Remarried according to the Cherokee law? A. Yes sir.

CErtificate shows that the re-marriage was according to the Cherokee law.

MR. GIBSON: I want the right of filing certificate of re-admission, reserving the right to supply testimony had in the Setzer case.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record, in addition to the certificate of admission of the applicant's wife to citizenship in the Cherokee Nation.

The attorney for the applicant requests and will be granted, fifteen days in which to file brief in this case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

[illegible]

[illegible]

1121

B. W. Alberty

POOR ORIGINAL -
BEST AVAILABLE COPY

DEPARTMENT OF THE INTERIOR, BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES, AT MUSKOGEE, I. T., MARCH 20th 1902.

----------oOo----------

In the matter of the application of Gus Caldwell, for the enrollment of himself as an intermarried white Citizen and his wife and four children as citizens of the Cherokee Nation by virtue of Cherokee blood.

"D 1021",

In obedience to a notification to the said Guss Caldwell, of the time for final hearing, and closing of said case by the Commission that he appeared in person, and by his Attorney G. W. Benge. After making additional statement, agreed that the case be submitted for final decision by the Commission, with the leave of filing brief in behalf of said applicant.

" B R I E F ".

The contention of the applicant is, that he is an intermarried white man; That he married Annie Setzer, a recognized North Carolina Cherokee Citizen, in the state of Alabama; That as soon thereafter as he could arrange to remove into the Cherokee Nation, he did so in 1888, and that in November, 23rd day of 1895, that he secured license for the purpose of complying with the terms of the Cherokee law, regulating intermarriage between white men and Cherokee women, and that he did re-marry his wife, Annie Caldwell, certificate of the same having been formerly presented to the Commission. That by said marriage four children have been born to them, and that by such compliance with said law, which entitled such intermarried white men t

to the right of Citizenship in the Cherokee Nation. That in accordance with an act of the National Council Approved April 15, 1893, Annie M. (wife of Guss,) Isaac E. and Elsie F. Caldwell, were added to the

(certificate appended hereto)

Census Rolls of Tahlequah District in the Cherokee Nation, by a Joint Committee of the National Council. It will thus be seen that by this admission to Citizenship immediately after their arrival into the Nation and before their marriage aforesaid. The Commission will be supplied with a copy of the act above referred to, and in consequence thereof they are recognized on the roll of 1894, and as having participated in the last per capita money paid to the Citizens by blood, " originally". Again according to the terms of an act of the National Council, approved August 21st, 1896, " Authorizing the taking of the 1896 census roll", and further in accordance with the act of the National Council, approved Nov. 9, 1896, authorized by the act of August 21st, 1896, the applicants were recognized and treated as such citizens of the Cherokee Nation, as is shown by reference to the 1896 Census roll, which is designed to contain only citizens of the Cherokee Nation. That the mother, Martha Setser, of Annie Caldwell, appears on the roll of the Nation, a Cherokee Citizen by blood; That applicant and his family have enjoyed all the rights and privileges of Citizenship since their admittance thereto; That they have ever since owned and now live on a farm in the Cherokee Nation, and have exercised all other rights accorded other citizens thereof since 1895, or near on to about twelve years. It is for these reasons , having been received by the authorities of said Nation and allowed to exercise the rights of Citizenship for so long a time unquestioned.

THEREFOR- the applicant most respectfully asks that the may be treated as such, and that the name of Gus Caldwell be listed for enrollment as an intermarried white adopted Citizen of said Nation, and that his wife , Annie, and his children, Isaac E., Elsie F., Francis A., and Tulo, be listed for enrollment as Cherokee Citizens by virtue of Cherokee blood, by this honorable Commission.

Respectfully submitted, [signature]

IN THE DEPARTMENT OF THE INTERIOR.

----oOo----

In re	)	
Application of Guss Caldwell,	:	Cherokee D-1021.
et al., for Enrollment as citi-	)	
zens of the Cherokee Nation.	:	

----oOo----

BRIEF ON BEHALF OF APPLICANTS.

The following facts have been found by the Commission to the Five Civilized Tribes and are conclusively shown by the testimony:

> The evidence shows that on November 23, 1895, the said Guss Caldwell was lawfully married, under a Cherokee marriage license issued in accordance with the laws of the Cherokee Nation, to Annie Caldwell (nee Setser), and claims the right to enrollment through such marriage.
>
> The said Guss Caldwell is identified as an adopted white on the 1896 Cherokee census roll. His wife, Annie Caldwell, together with their minor children, Isaac and Elsie F. Caldwell, are identified on the 1894 strip payment roll of the Cherokee Nation, having been added to said roll by the joint committee, appointed under an act of the Cherokee National Council, approved April 15, 1893. The said Annie, Isaac N., Elsie F. and Francis J. Caldwell are also identified as native Cherokees, on the 1896 Cherokee census roll. The other child, Julie, is too young to appear on any of the tribal rolls, but is identified by a birth affidavit made a part of the record herein.
>
> It appears that Lucinda Setser, the mother of said Annie Caldwell, was admitted to citizenship in the Cherokee Nation by the tribal authorities thereof, on July 30, 1896, at which time the said Annie was over twenty-one years of age.

It is, therefore, clear that Annie Caldwell and all of the other applicants except her husband are Cherokees by blood. ~~As such, they have been enrolled by the proper tribal authorities,~~ and the mother of Mrs. Caldwell was admitted to citizenship as a Cherokee by blood by the commission on citizenship. They have in all respects been treated by the Cherokee Nation as its citizens. They drew their share of the strip money and they have every qual-

ification as to residence.

The Curtis Act requires the Commission to investigate the rolls and to enroll all persons whose names lawfully appear thereon, and the Commission has authority to reject only such of those persons as may have been enrolled by fraud or without authority of law. There is no question of fraud in this case, so that there remains but the one question as to whether or not the names of these applicants appear on the rolls of 1894 and 1896 lawfully or unlawfully.

Section five of the Amendments to Article III of the Constitution of the Cherokee Nation provides as follows:

> All native born Cherokees x x x who reside within the limits of the Cherokee Nation, shall be taken, and deemed to be, citizens of the Cherokee Nation.

The Assistant Attorney-General for the Interior Department xxx construed this paragraph in the James W. Shirley case on July 11, 1903, as follows:

> This provision does not say, "who now reside". It is not merely definitive, limited to then existing conditions, but was evidently intended to apply prospectively through all time. It was so considered in Nofire vs. United States, 164 U. S., 757-8, in determining the status of a subsequently intermarried white man to be a Cherokee citizen by force of the Cherokee intermarriage laws and the words "whites legally members of the Nation by adoption."

It is certain then that Annie Caldwell and her children are citizens under the Constitution, for they are "native born Cherokees" and have the qualification of residence required, and we would respectfully ask how can their enrollment as citizens be unlawful.

We notice that the provision of the Constitution says, "native born Cherokees". This does not say "native born citizens". The intention of the Constitution is to distinguish between Cherokees by birth and Cherokees by adoption. This same provision mentions other Indians than Cherokees and also mentions adopted whites. A native born Cherokee is one by birth as distinguished from a Cherokee by adoption.

The history of the Nation shows that two tribes, the Shawnees and the Delawares, have by agreement been made Cherokees in so many words. These Shawnees and Delawares are Cherokees, but they are not "native born Cherokees". Mrs. Caldwell and her children are "native born Cherokees". Any law dictionary will bear us out on this.

The children of Annie Caldwell are the grandchildren and therefore the descendants of Martha Setser, who was properly admitted to citizenship and appears on all the rolls since July 30, 1888. Mrs. Caldwell was not married until 1889 and her children were all born since 1889 and, of course, since her mother's name appears upon the rolls. The Commission is directed by the Curtis act to investigate the right of Martha Setser whose name appears upon the roll of 1890 and to enroll her with her "descendants born since such roll was made". All of Mrs. Caldwell's children are descendants born since this roll of 1890 was made. The act is plain and grandchildren are descendants. -- See the cases collected in 9 Am. and Eng. Ency. of Law, 2d Ed., pp. 396 and 400, as to the meaning of descendants.

The Assistant Attorney-General defines the word in the James W. Shirley case as follows:

> Descendant is any offspring, in any degree, legitimate or illegitimate.

We, therefore, respectfully submit:

1. That Annie Caldwell and her children, being "native born Cherokees" and having the proper qualifications of residence, are Cherokee citizens; that their enrollment in 1894 and 1896 was lawful; that recommission by the Cherokee National Council is not indispensible and that these applicants should be now enrolled.

2. That the children of said Annie Caldwell are the descendants of Martha Setser born since her name appears upon the 1890 roll, and for that reason should now be enrolled.

3. That Guss Caldwell was married to the said Annie Caldwell before December 16, 1895, in accordance with the Cherokee law and should now be enrolled as an adopted citizen of the Cherokee Nation.

Respectfully submitted,

Harry E. Kimball
.....

Hiram Avery White
.....

Attorneys for Applicants.

C. D. 1021.

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory, June 9th 1902.

In the matter of the application of Gus Caldwell for the enrollment of himself as a citizen of the Cherokee Nation by Intermarriage and for his wife and children as citizens by blood.

Number Cherokee D 1021.

Brief on part of the Cherokee Nation.

The applicant himself is a white man and he was twice married to his wife once inthe State of Alabama and the second time on the 23rd day of November 1895 in accordance with the laws of the Cherokee Nation.

His wife was born in North Carolina; she moved from there to Alabama where she was married and came to the Cherokee Nation in 1893 and was never readmitted to citizenship in the Cherokee Nation. It is stated that her name was placed upon the Census Roll of 1893, as well as upon the Census roll of 1896 and upon the pay roll of 1894, but none of these rolls were ever legalized or recognized or authenticated by an act of the National Council but upon the other hand the National Council absolutely refused to authenticate them and the contention of the Cherokee Nation is that none of these rolls are roll of the Cherokee Nation until they were officially accepted as such by the Cherokee National Council and in as much as none of them were, that the names of none of these applicants therefore appear upon any of the recognized rolls of the Cherokee Nation. The applicant was born in North Carolina and upon her removal to the Cherokee Nation it was necessary that she be readmitted to citizenship in the Cherokee Nation in accordance with the constitution and laws thereof and not having been so admitted and the rights of the husband and children depending upon her we do not see how under the law that the Commission would be authorized in enrolling any of them as citizens of the Cherokee Nation.

The Certificate of the admission of the mother of the applicant is introduced showing that she was readmitted to citizenship in July 1888 and the evidence in this case shows that Annie Caldwell nee Setzer was a

born in 1868 and was therefore twenty-three years of age when her mother was readmitted to citizenship and was therefore not a minor hence the admission of her mother would be of no benefit to her but the very fact that her mother was readmitted emphasizes our contention that it was necessary for her to have also been readmitted to citizenship in the Cherokee nation.

Respectfully submitted,

W. W. Hastings

J. C. S.

Attorney for the Cherokee nation.

BEFORE THE DEPARTMENT OF THE INTERIOR:

WASHINGTON.

In re:

Application for the enrollment of
Gus Caldwell et al as citizens of the
CherokeeNation. Cherokee D 1021.

Supplemental brief on part of the Cherokee Nation.

In as much as the views of the Cherokee Nation have heretofore been expressed as to the rights of the applicants to be enrolled as citizens of the Cherokee Nation it is not desired to go over them again in a lengthy brief but the only point now desired to be emphasized is a reply to the contentions of counsel for applicants as to the meaning of the words "Native born Cherokees" as defined in section ~~xxxxxxxx~~ five of the amend ents to article three of the Constitution of the Cherokee Nation. This amended section of the Cherokee constitution is the one that defines who are the citizens of the Cherokee Nation and counsel for applicants contends that a man could have been born in California, Maine or Texas or in any other state and still have been a native born Cherokee. It seems to us that such a construction is merely frivilous; the only construction that was ever placed upon this language or could be placed on it was that a person must have been born within the limits of the Cherokee Nation (His own nation). Native Born could mean nothing else it could not mean that he was born a Cherokee because if he had Cherokee blood in his veins how could he be born otherwise. If the contention of the counself for applicants be correct every person within the universe who has the slightest trace of Cherokee blood in their veins would be a native born Cherokee and under this expression of the Constitution would be a Cherokee citizen. The Constitution means that a native born Cherokee is a Cherokeeborn in the Cherokee Nation. No one doubts this, no one has ever doubted it; no one has ever contended otherwise nor do we

believe that counsel for applicants would seriously contend that if a person was born in Maine and had neverlived in the Cherokee Nation that he would be a native born Cherokee hence a Cherokee citizen. What is the use pf the word native born at all? Why not have said all born Cherokees? If it did not intend to limit the Cherokees who were born in the Cherokee Nation?

The applicants were not native born Cherokees; they were born in North Carolina and went from there to Georgia where they were married; where a number of their children were born and where after they married in 1892 or 1893 they removed to the Cherokee Nation and realized that it was necessary to be readmitted to citizenship; made an ineffectual effort but there is not evidence that they were ever admitted to citizenship in the Cherokee Nation. No certificate was ever presented. No fact in evidence at all except the bare statement of the applicant himself; applicants mother was readmitted; applicant was of age at the time and was married and living separate and apart from her mother and it was necessary for the wife of Caldwell to have been readmitted to citizenship just so much so as it was for her mother Martha Setser.

We submit that the decision of the Commission was correct and that it should be affirmed by the Honorable Secretary of the Interior.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

R.
Cher.D-1021.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., September 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of ANNIE CALDWELL as a citizen by blood of the Cherokee Nation.

Appearances:
Geo. W. Benge, attorney for applicant:

GUSS CALDWELL, being first duly sworn, and being examined, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Guss Caldwell.
Q How old are you? A Thirty-four.
Q What is your post office address? A Gideon.
Q Are you the husband of Annie Caldwell, the applicant, who is the applicant before this Commission for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
Q You are requested, in the letter which you present to the Commission, to appear and introduce testimony as to the admission of your wife to citizenship in the Cherokee Nation, are you not? A Yes sir.
Q Have you the original certificate of your wife's admission, or a certified copy of it? A Not with me, only what went into the Dawes Commission before.
Q Have you had the records of the Cherokee Nation examined to ascertain whether or not there was ever an Act passed admitting your wife to citizenship? A All the Act I got is that there. That there is--as I understand it, she was supposed to have been admitted in 1886 with her mother. Her mother was admitted in 1886 with four children not named, nor ages either.

MR. BENGE: When you searched the records of the Executive Office of the Cherokee Nation, you secured this Act. Did you secure also a certificate showing the recognition of the citizenship of your family, a certificate stating that the names were found on the roll,etc. A Yes sir, for 1896 and also for 1893.

Applicant presents a certificed copy of an act of the Cherokee National Council, approved by C. J. Harris, Principal Chief of the Cherokee Nation on the 15th day of April, 1893, authorizing the making and revision of census rolls of the Cherokee Nation. This act will be filed herewith.

The applicant presents a certified copy of the marriage record of Guss Caldwell and Annie Caldwell, nee Setser, on the 22d day of November, 1894, said copy being certified to by J. T. Parks, Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation, which is filed herewith.

BY COMMISSION: When did your wife come to the Cherokee Nation? A In 1893.
Q When was that Act passed, admitting your wife's mother to citizenship? A It was in 1886.
Q Was there any time specified in that act as to how soon she and her children could come to the Cherokee Nation? A Not that I know.
Q Has a certified copy of that act been filed in the case of your wife's mother? A You mean in this case?
Q No, I mean has a certified copy of your wife's mother's admission to citizenship been filed in her case? A She has done been enrolled She presented the original certificate.

Q What is your wife's mother's full name? A Martha A. Setser.

Martha Setser, the mother of Annie Caldwell, is listed for enrollment on Cherokee Card Field No. 6095.

Q You state, that in the act of admission of the mother of your wife, she and her four children were admitted to citizenship in that Act? A Yes sir.
Q What were the names of her children at that time?
A My wife's name was Annie ~~Caldwell~~, and there was Lizzie, David and Frank--Francis. Two girls and two boys.
Q Did all four of those children come to the Cherokee Nation?
A Yes sir, all of them , they are all here.
Q When did Lizzie come? A In 1893.
Q When did David Come? A 1893.
Q Francis? A He came in 1890.
Q Has your wife lived in the Cherokee Nation continuously since she came here on 1893? A Yes sir, never been out of the Nation.
Q Have you any further testimony you desire to offer relative to the admission of your wife to citizenship in the Cherokee Nation?
A None, only some more witnesses I could get.
Q Has your wife been recognized as a citizen ever since se came here
A Yes sir.
Q Has she drawn money from the Cherokee Nation? A Yes sir.
Q Did she draw money in 1894? A Yes sir.
Q Did she draw money in 1896? A There was none drawn in 1896, only the Old Settlers.
Q Your wife participated in the Strip payment, did she? A Yes sir
Q How much money did she draw at that time? A Two hundred and sixty-six dollars and some few cents a head.
Q Your present wife is a daughter of Martha Setser, who is enrolled as a citizen of the Cherokee Nation? A Yes sir.

FRANCIS M. SETSER, being first duly sworn, and being examined, testified as follows on behalf of applicant:

MR. BENGE; State your name? A Francis M. Setser.
Q How old are you? A Forty-one.
Q Where were you born? A Cherokee County, North Carolina.
Q When did you come to this country? A Came here in 1890.
Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.
Q Do you know Annie Caldwell? A Yes sir, she is a sister of mine.
Q Who is your mother? A Martha A. Setser.
Q Is your mother recognized as a citizen of the Cherokee Nation?
A Yes sir.
Q Do you know when Mrs. Caldwell came to this country? A In 1893.
Q You are a neighbor of hers, and have been since she came to this country. Do you know whether or not the family of Guss Caldwell, together with his wife, have been recognized as citizens of the Cherokee Nation? A They have had all the rights and privileges since they made application to the National Council for admittance, and the disposition that was done was referred to that Committee on Revision, and they was recognized and placed upon the roll and recognized as citizens, enjoying all the privileges, ever since that time until the present.
Q Did you ever hear any question as to their citizenship?
A Not until this enrollment.
Q Mrs. Caldwell is a full sister of yours? A Yes sir.
Q One mother and one father? A Yes sir. The father was Emanuel Setser, he was a white man. My mother was a Taylor, her maiden name was Taylor.
Q Had she relatoves in this country? A Yes sir, Campbell Taylor, Thomas Taylor, Andy Tayler, and David and John Taylor.
Q All citizens of the Cherokee Nation? A Yes sir.

BY COMMISSION: You say that your sister, when she came to this country, made application for admission? What disposition was made of that application? A The only disposition, it was referred to the Revising Committee.
Q Was that Committee composed of Senators or Representatives, or both, from the different districts, to revise the census rolls?
A Yes sir, appointed by the National Council on the Revision Committee.
Q Do you know whether or not her name appears upon the roll of 1896?
A Yes sir, her name appears upon the roll of 1896. It was placed on the roll in 1893 and 1896.
Q Are some of the brothers and sisters of your mother, that you have just mentioned, doubtful citizens? A No sir. There was one John Taylor marked on a doubtful card. That was old Uncle Jim's John, but he was never admitted. My mother's brothers and sisters, none of them were doubtful at all.

This testimony will be filed with and made a part of the record in the matter of the enrollment of Annie Caldwell as a citizen by blood of the Cherokee Nation, Cherokee Doubtful Card Field No . 1021.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 19th day of September, 1902.

John Rosson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 23 1902

ACTING CHAIRMAN.

Muskogee, I.T.,
November 23, 1902.

Hon. Tams Bixby,
Chairman Commission to the Five Civilized Tribes,
Muskogee, I.T.

Dear Sir:

Inclosed herewith I hand you a copy of a petition signed by citizens of the Choctaw Nation, protesting against the granting of a charter to the Choctaw Orphan Home Association, and also a copy of a letter addressed to the Commission to the Five Civilized Tribes, and signed by the undersigned, and that the Choctaw Orphan Home Association is a corporation organized under the laws of the Choctaw Nation, and that the petition and letter are genuine.

Respectfully yours,

Motsa Sunpio.

Cher
D 1021 --Supp'l

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of GUSS CALDWELL, for the enrollment of himself as a citizen by intermarriage, and his wife, ANNIE CALDWELL, and his children, ISAAC N., ELSIE F., FRANCIS A. and TULE CALDWELL, as citizens by blood, of the Cherokee Nation:

GUSS CALDWELL, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Guss Caldwell.
Q What is your post office address ? A Gideon.
Q What is your age at this time ? A Thirty five.
Q Are you the same Guss Caldwell that applied to the Commission for enrollment as an intermarried citizen in December, 1900 ?
A Yes sir.
Q What is the name of your wife ? A Annie.
Q Is she a Cherokee by blood ? A Yes sir.
Q Is she living at this time ? A Yes sir.
Q When were you married to your wife Annie ?
A I have been married to her twice.
Q When were you married to her the first time ?
A In 1889, and then I went through a formal marriage in 1895, the 16th day of November, 1895.
Q Where were you married to her the first time ?
A In Alabama.
Q In 1889 you say ? A Yes sir.
Q How long after your marriage before you came to the Cherokee Nation ? A It was four years.
Q Four years afterwards ? A Yes sir.
Q Was she admitted before or after you came ? A Afterwards.
Q Then after she came here and was admitted, you were re-married to her ? A Yes sir.
Q Did you take out a Cherokee license ? A Yes sir.
Q Have you filed that license with the Commission ? A Yes sir.
Q Were you ever married before you married this wife ?
A No sir.
Q Was she ever married before she married you ? A No sir.
Q Have you and she lived together ever since your marriage up to the present time ? A Yes sir.
Q Never been separated ? A No sir.
Q Were you and she living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q How long have you and she lived in the Indian Territory ?
A We came here in 1892. Or 1893, rather.
Q Have you lived in the Cherokee Nation together all the time since 1893 up to the present time ? A Yes sir.
Q Never been out since then ? A No sir, never been out of the Nation.
Q Are these children, Isaac N., Elsie F., Francis A., and Tule, all your children by your wife Annie ? A Yes sir.
Q Are they all living ? A Yes sir.
Q Have they lived in the Cherokee Nation ever since their birth and ever since you brought them here ?
A Yes sir.

Cher D 1081 --2

E. C. Bagwell, on oath states that, as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this November 26, 1902.

B O Jones
Notary Public.

AN ACT PROVIDING FOR THE TAKING OF THE CENSUS IN THE CHEROKEE NATION.

APPROVED APRIL 25, 1893.

Cherokee

D-1021

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
NOV 18 1902
CHAIRMAN

An act providing for the taking of the census of the Cherokee Nation.

Whereas the Cherokee National Council has accepted and ratified the amendments to the Cherokee agreement for the relinquishment of their title to their lands west of the ninety-sixth degree of west longitude, and

Whereas the proceeds arising from the said sale will be paid out to the Cherokee people; Therefore,

Be it enacted by the National Council: That the principal Chief be and he is hereby authorized to appoint two competent persons for each of the following Districts: Saline, Illinois, Flint, Going Snake, Sequoyah and Canadian, six for Cooweescoowee, four for Delaware and four for Tahlequah. One half of the ~~persons so appointed~~ number of persons so appointed shall be able to correctly speak the English language and write Englishin a plain legible hand and the remainder of the persons so appointed shall be able to ~~speak~~ correctly speak and understand the Cherokee and English languages, who shall have been bona-fide-resident citizens of the District from which they may be appointed for at least ten years prior to their appointment, for the purpose of taking the census of their respective Districts, in the manner herein after defined.

Section 2. Be it ~~enacted~~ further enacted: That it shall be the duty of the Principl Chief, to divide the census takers in Cooweescoowee, Delaware and Tahlequah Districts into boards of two members each and assign the work of taking the Census as follows: In Cooweescoowee ~~District~~ to the first board of Census takers shall be assigned six precincts as follows: River Side, Chouteau, Pryor Creek, Adair, Vinita and Rogers,; to the second board shall be assigned Chelsea, Claremore, Catoosa, Skiatook and Silver Lake; and to the third and last board shall be assigned, Talala, Lenapah, Coodies Bluff, ~~R~~ Goose Neck and Parker or Brush Creek. To the board so designated for Delaware District the first shall be assigned ~~[illegible]~~ all the precincts lying east of Grand River, and to the second board shall be assigned all the precincts lying west of Grand River. To the board so designated for Tahlequah District, the first shall be assigned to Elm Spring, Tahlequah and Hanard Precincts; To the second board shall be assigned, Sequoyah, Blue Springs, Peg's Prairie and Ketcher Town Precincts

Section 3 Be it further enacted: That it shall be the duty of the census takers to make full, complete and correct returns of all the Citizens found residing within the limits of their respective districts, at the time of making the enumeration, giving name, age, sex and ~~Activity~~ ~~Nationality~~ Nationality.

Section 4. Be it further enacted: That census takers provided for above shall before entering upon the discharge of their duties, as authorized and required, each subscribe to an oath, to ~~impartially~~ fully, impartially and correctly perform the same as herein after defined.

Be it further enacted: That said census shall be taken upon ruled blanks census rolls, ~~for is~~ by the Principal Chief, for such purpose, one for Cherokee Citizens by blood, one for Delawares, one for Shawnees, one for Creeks, one for Adopted whites and one for the Freedman; all to be taken seperately on seperate blanks, giving the sex and age of each individual person.

Section 6. Be it further enacted: That the board of census takers shall sit at each precinct in their several Districts, three days, or so many thereof as may be necessary for the purpose of taking the said census and when their duties shall have been completed at one Precinct, they shall proceed without delay to the next, and so continue until the census has been completed. They shall be allowed one day to travel from one precinct to another, and shall be allowed the same time as the members of the National Council from the several Districts in coming after and returning the Census Rolls. They shall give notice of such sitting by publication in the papers of the Cherokee Nation, and by posting written or printed notices at each

precinct for at least one week prior to the said sitting and at said sitting the said board of census takers shall qualify all persons registered as citizens of the Cherokee Nation, as to the number of their families, age sex &c They shall also take evidence as to the correctness of the statement of the person so registered.

Section 7. Be it further enacted: That before the census rolls shall be completed and accepted they shall be passed upon by the National Council in the following manner: There shall be appointed nine special joint committees, composed of the two members of the Senate and all the members from the lower house from each District whose duty it shall be to carefully examine the census rolls of the enumeration of their respective Districts, and pass upon each and every name appearing upon the citizen roll. The name of any person appearing thereon whom they may know to or have good and sufficient reason to believe to be a non citizen and not entitled to appear upon such census roll shall be stricken out with red ink and the word "non citizen" entered in red ink in the margin of remarks opposite the name, and such person so declared to be a non citizen, shall be placed upon the proper rolls prepared for that purpose. The name of any person who shall have been placed upon the non citizen roll by the solicitors of the several districts but who may be declared to be a bona fide Cherokee by such Committee and all persons known to be bona fide Cherokee citizens who have been inadvertantly omitted to be enrolled by the census takers, shall be added to the citizen census roll aforesaid; and all persons so wrongly enrolled on non citizen rolls, shall be with red ink stricken from the non citizen roll with proper entry under the head of remarks, opposite such name.

Be it further enacted: That the said census rolls after they have been fully examined and the necessary corrections shall have been made as herein before provided, shall be signed in approval by the respective committees and accepted by the National Council, and shall be deemed and taken as the authenticated census rolls of the Cherokee Nation, and it shall be the duty of the Principal Chief, to cause one or more of his Executive secretaries to make copies of the said census rolls, alphabetical order of all on the citizen rolls to be used by the treasurer as pay rolls and the Principal Chief is hereby authorized to certify to the said census rolls under the seal of the Cherokee Nation.

Section, 9. Be it further enacted: That the census takers so appointed shall receive three and one half dollars per diem for their actual time of service and the Principal Chief is hereby authorized and directed to draw his warrants for the same, upon the certificates of at least two members of the said board of census takers and an amount sufficient to carry into effect this provission of the act is hereby appropriated out of any money in the treasury not otherwise appropriated.

Section 10. Be it further enacted: That the sum of one hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the treasury, belonging to the general fund, not otherwise appropriated, to pay for the printing of the blank census rolls to be furnished to the census takers of the several districts, and the Principal Chief is hereby authorized and directed to draw his warrants for the same.

Section 11. Be it further enacted: That the clerks of the several Districts are hereby authorized and directed to report to the Principal Chief on or before June 30th 1893, all permitted persons in their several Districts.

Section 12. Be it further enacted: That the Principal Chief shall furnish the Solicitors of the several Districts blank rolls on which shall be enrolled all persons who are declared to be intruders or unauthorized persons. The persons shall be enrolled as follows: 1st, names; 2nd, Race or Nationality; 3rd, occupation; 4th age; 5th, sex; 6th number of improvements claimed or held, and by whom occupied, such persons so enrolled giving year of occupancy, the number of acres

inclosed or in cultervation;8th number in family.

Section 13.Be it further enacted:That the solicitors of the several Districts be and they are hereby directedto report within ten days after the census takers are required to make their report,all persons who are intruders or unauthorized persons,in their respective districts and the Principal Chief is herby authorised to appoint one person each,Coowee,scoowee, Delaware,Illinois,Sequoyah and Tahlequah Districts,who shall assist the Solicitors of those districts in reporting such persons.The said persons appointed by the Principal Chief shall receive one hundred dollars each,and there is hereby appropriated for that purpose out of any money in the treasury belonging to the General Fund and not otherwise appropriated the sum of five hundred dollars and the Principal Chief is authorized to draw his warrants accordingly.

Section 14.Be it further enacted that if any solicitor refuses or fails to perform the duties as herein provided,the Principal Chief is hereby authorized to suspend said solicitor from office.

Passed the Senate April 13th 1893.

J.L.Thompson,
Clerk of Senate,

T.H.Buffington,
Prest. of Senate.

Concurred in by Council April 14th 1893.

W.G.Fields,
Clerk of Council,

G.W.Clark,
Speaker of Council.

Approved April 15th 1893.

CJ.Harris,
Principal Chief,

Executive Office Cherokee Nation,

Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing two and a fraction pages,is a true copy,taken from the record of laws made and kept in this Office and in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 17th day of February 1902.

B. W. Alberty.
Assistant Executi ve secretary
Cherokee Nation.

Cherokee D-1021.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Guss Caldwell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Annie Caldwell, and their minor children, Isaac E., Elsie F., Francis A., and Tule Caldwell, as citizens by blood of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on December 7, 1900, Guss Caldwell appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Annie Caldwell, and their minor children, Isaac E., Elsie F., Francis A., and Tule Caldwell, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 19, 1900, at Muskogee, Indian Territory, on March 13, 1902, at Tahlequah, Indian Territory, on September 18, 1902, and at Muskogee, Indian Territory, on October 21, 1902.

The evidence shows that on November 23, 1895, the said Guss Caldwell was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Annie Caldwell (nee Setser), and claims the right to enrollment through such marriage.

The said Guss Caldwell is identified as an adopted white on the 1896 Cherokee census roll. His wife, Annie Caldwell, together with their minor children, Isaac and Elsie F. Caldwell, are identified on the 1894 strip payment roll of the Cherokee Nation, having been added to said roll by the joint committee, appointed under an act of the Cherokee National Council, approved April 15, 1893. The said Annie, Isaac E., Elsie F. and Francis A. Caldwell are also identified as native Cherokees, on the 1896 Cherokee census roll. The other child, Tule, is too young to appear on any of the tribal rolls, but is identified by a birth affidavit made a part of the record herein.

It appears that Martha Setser, the mother of said Annie Caldwell, was admitted to citizenship in the Cherokee Nation by the tribal authorities thereof, on July 30, 1888, at which time the said Annie was over twenty-one years of age. It does not appear that any of the applicants have ever been admitted to citizenship by the tribal authorities, by the Commission to the Five Civilized Tribes, under the Act of Congress, approved June 10, 1896, (29 Stats., 321), or by the United States Court on appeal.

It is, therefore, the opinion of this Commission that the names of said Annie Caldwell, Isaac E. Caldwell, Elsie F. Caldwell and Francis A. Caldwell are upon the said 1896 and 1894 rolls without authority of law; that the name of Guss Caldwell is also upon said 1896 roll without authority of law; and that the application for the enrollment of Guss Caldwell as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Annie Caldwell, Isaac E. Caldwell, Elsie F. Caldwell, Francis A. Caldwell and Tule Caldwell, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breedlove
Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

IN [illegible] THE INTERIOR.

----oOo----

In re	)	
Application of Guss Caldwell,	:	
et al., for Enrollment as cit-	:	Cherokee 7-1081.
izens of the Cherokee Nation.	:	

----oOo----

MOTION FOR [illegible] HEARING.

Now come the applicants by their attorneys and move that the decision of the Secretary of the Interior in the above entitled cause be set aside and that this case be reopened and reviewed for the reasons set forth in the brief hereto attached.

Nanny G. Kugiball

Wm. Henry White

Attorneys for Applicants.

IN THE [illegible] OF THE INTERIOR.

----o o----

In re	)	
Application of Susie Caldwell,	:	[illegible]
et al., for enrollment as citi-	)	
zens of the Cherokee Nation.	:	

----o o----

[illegible]

The following facts have been found by the Commission to the five civilized tribes [illegible] conclusively shown by the testimony:

> The evidence was that on November [illegible], 1893, [illegible] Cully [illegible], [illegible] married [illegible] in accordance with the laws of the Cherokee Nation, to [illegible] Caldwell (n[illegible]), who claims to be [illegible] Cherokee. [illegible] Caldwell is identified as [illegible] and the white on the [illegible] Cherokee census roll. His wife, Annie Caldwell, [illegible], Isaac and Lulie F. Caldwell, are identified on the 1894 enrollment roll of the Cherokee Nation, having been added to said roll by the joint committee, appointed under an act of the Cherokee National Council, approved April 15, 1892. The said Annie, Isaac [illegible], Elsie F. and Francis [illegible] Caldwell are [illegible] Native Cherokees, on the 1880 Cherokee census roll. [illegible] Caldwell, while, is too young to appear [illegible] that roll, but is identified by a birth [illegible] of the record herein.
>
> It appears that [illegible], the mother of said [illegible] Caldwell, [illegible] the Cherokee Nation by [illegible] cities thereof, on July 5, 1893, at which time [illegible] was over twenty-one years of age.

It is, therefore, clear that Annie Caldwell and all of the other applicants except [illegible] are Cherokees by blood. As such, they have been enrolled by the proper tribal authorities, and the mother of Mrs. Caldwell was admitted to citizenship as a Cherokee by blood by the commission on citizenship. They have in all respects been treated by the Cherokee Nation as its citizens. They drew their share of the strip money and they have every qual-

ification as to residence.

The Curtis Act requires the Commission to investigate the rolls and to enroll all persons whose names lawfully appear thereon, and the Commission has authority to reject only such of those persons as may have been enrolled by fraud or without authority of law. There is no question of fraud in this case, so that there remains but the one question as to whether or not the names of the applicants appear on the rolls of 1894 and 1896 lawfully or unlawfully.

Section five of the amendments to Article IV of the Constitution of the Cherokee Nation provides as follows:

> All native born Cherokees x x x who reside within the limits of the Cherokee Nation, shall be taken, and deemed to be, citizens of the Cherokee Nation.

The Assistant Attorney-General for the Interior Department xxx construed this [illegible] in the Jones case on July 11, 1903, as follows:

> This provision [illegible] "native born". It is not merely definitive, [illegible] then existing conditions, but was evidently [illegible] only through all time. It was considered in Office vs. United States, 184 U. S., 707-8, in relation to the status of a subsequently interrupted white man to be a Cherokee citizen. Place of the [illegible] in the words 'native born' really members of the nation by adoption."

It is [illegible] that [illegible] Cherokee citizen, [illegible] native born [illegible] and [illegible] be [illegible].

[illegible] of the Constitution says, "native born Cherokees". [illegible] born citizens". The intention of the Constitution is to distinguish between Cherokees by birth and members by adoption. This same provision mentions other [illegible] than Cherokees and also mentions adopted whites. A native born Cherokee is one by birth as distinguished from a Cherokee by adoption.

The history of the Nation shows that two tribes, the Shawnees and the Delawares, have by agreement been made Cherokees in so many words. These Shawnees and Delawares are Cherokees, but they are not "native born Cherokees". Mrs. Caldwell and her children are "native born Cherokees". Any law dictionary will bear us out on this.

The children of Annie Caldwell are the grandchildren and therefore the descendants of Martha Setser, who was properly admitted to citizenship on payment of her roll since July 30, 1896. Mrs. Caldwell was not born until 1896 and her children were all born since then, of course, since her mother's name appears upon the rolls. The Commission is directed by the Curtis Act to investigate the rights of persons whose name appears upon the roll of 1896 and to enroll persons with "descendants born since said roll was made". All of Mrs. Caldwell's children are descendants born since the roll of 1896 was made. The act is plain as to children and descendants. -- See the cases collected in 9 Wn. and Eng. Ency. of Law, 2d Ed., p. 30[illegible], as to the meaning of descendants.

The Assistant Attorney-General defines the word in the Indian Law as follows:

> Descendant is any offspring, in any degree, legitimate or illegitimate.

We, therefore, respectfully submit:

1. That Annie Caldwell and her children, being "native born Cherokees" and having the proper qualifications of residence, are Cherokee citizens; that their enrollment in 1894 and 1896 was lawful; that registration by the Cherokee National Council is not indispensible and that these applicants should be now enrolled.

2. That the children of said Annie Caldwell are the descendants of Martha Setser born since her name appears upon the 1896 roll, and for that reason should now be enrolled.

3. That Guss Caldwell was married to the said Annie Caldwell before December 16, 1895, in accordance with the Cherokee law and should now be enrolled as an adopted citizen of the Cherokee Nation.

Respectfully submitted,

Nancy G. Kimball

Thos. Henry White

Attorneys for Applicants.

Certificate of D. T. Boles
Est Decy, to the Names of
Annie Caldwell,
Isaac, & Elsie,

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

Tahlequah, Indian Territory.

Dec. 14th, 1900.

This certifies that the following names appear on the Census Rolls of Tahlequah District in the Cherokee Nation and added thereto by the Joint Committee of the National Council as citizens of said district in accordance with an Act of the National Council approved April 15th, 1898.

Annie M. Caldwell,
Isaac E. Caldwell,
Elsie F. Caldwell.

J. T. Parks

Executive Secretary, Cherokee Nation.

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mr. Guss Caldwell,

Gideon, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and four minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are requiredto supply the Commission with your Cherokee marriage license and certificate; also certificate showing the readmission of your wife Annie to Cherokee citizenship required.

CherokeeD-1021
Register.

Yours truly,

~~Acting Chairman.~~

Commissioner in Charge.

In reply refer to Cherokee D 1021.

Muskogee, Indian Territory, June 20, 1902.

Guss Caldwell, Esq.,

Gideon, Indian Territory.

Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your wife and children as citizens by blood of said Nation, you are advised that it is necessary, for the proper consideration of these cases, that you submit to this Commission additional testimony, to-wit: a certified copy of an Act of the National Council of the Cherokee Nation, approved April 15, 1893, under which the names of your wife, Annie M. Caldwell, and your children, Isaac M. and Elsie P. Caldwell, were added to the Census Roll of the Tahlequah District in said Nation, by the Joint Committee of said Council, as citizens of said District; also a certified copy of the admission of your wife to citizenship by the tribal authorities of the Cherokee Nation prior to her marriage.

This testimony must be furnished on or before July 7, 1902.

Yours truly,

Commissioner in Charge.

Registered.

Cherokee D 1021.

Muskogee, Indian Territory, September 11, 1902.

Guss Caldwell,

Gideon, Indian Territory.

Dear Sir:

You are hereby directed to appear before the Commission to the Five Civilized Tribes, at Tahlequah, Indian Territory, within fifteen days from date hereof and introduce testimony as to the admission of your wife, Annie Caldwell, to citizenship in the Cherokee Nation.

Yours truly,

Acting Chairman.

Cherokee D 1021.

Muskogee, Indian Territory, September 11, 1902.

G. W. Benge,

Attorney for Guss Caldwell, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that Guss Caldwell has this day been directed to appear before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, within fifteen days from date hereof, and introduce testimony as to the admission of his wife, Annie Caldwell, as a citizen of the Cherokee Nation.

Yours truly,

Acting Chairman.

Cherokee D 1021.

Muskogee, Indian Territory, September 11, 1902.

John O. Rosson,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that Guss Caldwell has this day been directed to appear before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, within fifteen days from date hereof, and introduce testimony as to the admission of his wife, Annie Caldwell, as a citizen of the Cherokee Nation.

Yours truly,

Acting Chairman.

COPY.

Cherokee D 1021.

Muskogee, Indian Territory, March 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Guss Caldwell for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Annie Caldwell, and his four minor children, Isaac N., Elsie F., Francis A. and Tule Caldwell, as citizens by blood, of the Cherokee Nation, including the Commission's decision, dated March 2, 1903, rejecting said application.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 13.

COMMISSIONERS:
TAMS BIXBY
THOMAS B. NEEDLES
C. R. ARNOLD
W. E. STANLEY
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D 1021.

Muskogee, Indian Territory, March 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application of Guss Caldwell for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Annie Caldwell, and his four minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood, of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enclosure H. No. 12.

Cherokee D 1021.

Muskogee, Indian Territory, March 14, 1903.

G. W. Benge,

Attorney for Guss Caldwell, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Guss Caldwell for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Annie Caldwell, and his four minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood, of the Cherokee Nation, together with a copy of the Commission's decision, dated March 2, 1903, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

Enclosure H. No. 11.

COPY.

Cherokee D 1021.

Muskogee, Indian Territory, March 14, 1903.

Gus Caldwell,

Gideon, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting your application for the enrollment of yourself as a citizen by intermarriage, for the enrollment of your wife, Annie Caldwell, and your four minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell as citizens by blood of the Cherokee Nation. There has heretofore been furnished your Attorney, G. W. Benge, Tahlequah, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
Enclosure H. No. 10.

HARRY G. KIMBALL.
WILLIAM HENRY WHITE.

KIMBALL & WHITE,
Attorneys at Law,
COLUMBIAN BUILDING, 416 5TH ST., N. W.,
Washington, D. C.

September [illegible], 1903.

W. [illegible] Hastings, Esq.,

[illegible], Ind. Ter.

Dear Sir:

We have our [illegible] copy of brief on behalf of applicants in the application of [illegible], et al., for enrollment and allotment of the Cherokee Nation.

Yours very truly,

[illegible]

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 8635-1903. October 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Sir:

Replying to your letter of October 1, 1903, transmitting supplemental brief in the Cherokee enrollment case of Gus Caldwell, et al., you are informed that your communication and inclosure have been transmitted to the Indian Office for consideration in connection with the case when it is received.

Respectfully,

Thos Ryan
Acting Secretary.

Refer in reply
to the following:
Land:17979-1903,
66143-1903,
66145-1903.

Copy.

Department of the Interior,

Office of Indian Affairs.

Washington, October 29,1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of October 13,1903, (I.T.D.8263 and 8685), there is enclosed herewith report relative to the application of Guss Caldwell for enrollment as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Annie Caldwell, and their minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell ascitizens by blood of the Cherokee Nation.

March 2,1903, the Commission held that the names of Annie, Isaac E., Elsie F. and Francis A. Caldwell were upon the 1894 and 1896 rolls without authority of law; that the name of Guss Caldwell was on the 1896 roll without authority of law, and that the applications for the enrollment of these people should be denied.

The record in this case shows that Guss Caldwell was lawfully married to his wife, Annie Caldwell, nee Setser, in accordance with the laws of the Cherokee Nation, November 23,1895. He claims his right to enrollment as an intermarried citizen by virtue of said marriage. He is identified by the 1896 roll. Annie Caldwell, Isaac E., and Elsie F. Caldwell are identified by the 1894 strip payment roll. Annie Caldwell and the two children last mentioned are also identified by the 1896 Census roll. The other minor

applicants are properly identified by birth affidavits.

It appears from the record that Martha Setser, mother of Annie Caldwell, was admitted to citizenship in the Cherokee Nation by the tribal authorities, July 30,1888, and that Annie Caldwell was more than 21 years of age at that time. The Commission says in its decision that it does not appear that these applicants have been admitted to citizenship by the tribal authorities, the Commission or the court.

The record shows, however, that the names of Annie, Isaac E. and Elsie F. Caldwell were added to the Cherokee strip payment roll of 1884 by the joint committee appointed under the act of the National Council approved, April 15,1893.

October 13th, the Department referred to this office for consideration in connection with this case a supplemental brief filed by the Cherokee Nation, in which the position is taken that these applicants are not entitled to enrollment. On the same date the Department forwarded to the office a brief filed by the attorneys for the applicants, Kimball and White, in which the position is taken that the applicants are entitled to enrollment.

In view of the Department's holding of June 10,1903 (?) (I.T.D.3386) in the Martha Hill case, the office does not consider it necessary to enter into any discussion of these briefs. The name of the principal applicant for enrollment is a citizen by blood, and the names of her two older minor children are found on the 1894 roll. Under the Department's decision in the Hill case those who apply for enrollment as citizens by blood are

entitled to enrollment.

It is therefore respectfully recommended that the decision of the Commission be not approved, and that it be directed to enroll applicants Annie, Isaac E., Elsie F., Francis A. and Tule Caldwell as citizens by blood of the Cherokee Nation, and that the right of applicant Guss Caldwell to enrollment as an intermarried citizen by not passed upon until such time as the Court of Claims shall have made findings and rendered an opinion upon the questions submitted to it, February 24th last.

Very respectfully,

W.A. Jones,

Commissioner.

GAW-CGC

DC-31716-1903

DEPARTMENT OF THE INTERIOR.

J.P.
W.H.R.

ITD 7756-1903. Washington, November 12,1903.

L.R.S.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Guss Caldwell, as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Annie Caldwell, and their minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood of said Nation, received with your letter of March 14,1903, and the Commissioner of Indian Affairs' letter of October 29,1903.

It appears that Guss Caldwell, a white man, was married in Alabama in 1889, to Annie Setser, a Cherokee by blood, who was born in North Carolina in 1865, and that in 1895 they were married under Cherokee law, having settled in the Cherokee Nation in 1893, where they have with their children continuously resided.

It is shown that Martha Setser, the mother of Annie Caldwell, was readmitted to citizenship in the Cherokee Nation by tribal authorities on July 30,1888, and that at that time Annie Caldwell was twenty-three years of age.

The Nation, through its attorney, contends that as Annie Caldwell was not at that time a minor, the admission of her mother would be of no benefit to her; that the fact that her mother was readmitted emphasizes the contention of the Nation that it was necessary for her to have been readmitted to citizenship therein;

that as the principal applicant was born in North Carolina, upon her removal to the Cherokee Nation it was necessary for her to be readmitted to citizenship "in accordance with the constitution and laws thereof," and having not been so readmitted, none of the applicants are entitled to enrollment.

You rendered your decision March 2,1903, holding that the names of Annie Caldwell, Isaac E. Caldwell, Elsie F. Caldwell and Francis A. Caldwell are upon the 1896 and 1894 rolls without authority of law; that the name of Guss Caldwell is also upon the 1896 roll without authority of law, and that the application for enrollment should be rejected as to all the applicants.

The Commissioner of Indian Affairs referring to departmental decision of June 10,1903, in the Cherokee case of Martha Hill, et al recommends that your decision be reversed as to all the applicants except Guss Caldwell, and that as to him a decision be not rendered at this time in view of the submission to the Court of Claims of February 24,1903, of the question involving the right of intermarried persons in the Cherokee Nation.

The Department considers the position taken by it in the Hill case applicable to the present case, and hereby reverses your decision as to all the applicants except Guss Caldwell. Action in regard to him will be suspended.

A copy of the Commissioner of Indian Affairs' letter is inclosed.

Respectfully,

Thos Ryan.
Acting Secretary.

1 inclosure.

Cherokee D-1021.

Muskogee, Indian Territory, November 19, 1903.

Guss Caldwell,

Gideon, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, rejecting the application for the enrollment of yourself as a citizen by intermarriage and for the enrollment of your wife, Annie Caldwell, and your minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior as to all except yourself, on November 12, 1903.

Respectfully,

Chairman.

Cherokee D1021.

Muskogee, Indian Territory, November 19, 1903.

G. W. Benge,

Attorney for Guss Caldwell et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, rejecting the application for the enrollment of Guss Caldwell as a citizen by intermarriage and for the enrollment of his wife, Annie Caldwell, and his minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior as to all except Guss Caldwell, on November 12, 1903.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1021.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, rejecting the application for the enrollment of Guss Caldwell as a citizen by intermarriage and for the enrollment of his wife, Annie Caldwell, and his minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior as to all except Guss Caldwell, on November 12, 1903.

Respectfully,

Chairman.

Tahlequah, Indian Territory. May 18, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith original Cherokee doubtful cards as follows:

Cherokee D-297	May Fields
Cherokee D-698	Emma Waybourn
Cherokee D-856	Annie Garrett
Cherokee D-1021	Guss Caldwell
Cherokee D-1179	Janie Hughes.

Decisions have heretofore been rendered in these cases and all applicants except intermarried applicants, transferred as indicated by notes on the cards.

There is also returned herewith to be retained in the office at Muskogee until decisions can be prepared as to the intermarried applicants, the records in the above cases, also the record in Cherokee D-611, Samuel A. Ballard, et al.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MBR
Encl R-192.

D.C.52118-1906. (COPY) Y.P.

DEPARTMENT OF THE INTERIOR

FHE.

WASHINGTON.

I.T.D. 7756-1903.

L.R.S. November 26, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of November 11, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Guss Caldwell as a citizen of that nation by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of Guss Caldwell is denied. The papers in the case have been sent to the Indian Office. The local attorneys for the applicant will be advised of this action.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

8 inc. for Ind. Of.

Cherokee
D-1021.

Muskogee, Indian Territory, December 7, 1906.

Guss Caldwell,

Gideon, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior November 26, 1906.

Respectfully,

JMH

Acting Commissioner.

Cherokee
D-1021.

Muskogee, Indian Territory, December 7, 1906.

G. W. Benge,

Attorney for Guss Caldwell,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application of Guss Caldwell for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-58
JMH

Acting Commissioner.

678

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D-1021.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 7, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application of Guss Caldwell for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

Encl.H-59.
JMH

Transcribed 3-12-07

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Cyrus Bartlett et al

for enrollment as [illegible] *of the Cherokee Nation.*

Cherokee D. *No.* 1021

[illegible] testi[illegible] 12/1/00.
Memo. of [illegible] of [illegible] 00.
Supplementary testimony 12/[illegible]/00.
[illegible] of Testi[illegible]
[illegible] above
filing certificate [illegible]
Notice of final consider[illegible]

Cher D 1022

see Cher 6960

Cher D 1022

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 17

CENTY LOWER EL VT.

Lies to his wife in succession Alice Choloke Jim.
Multiple Mon a complaint to [illegible] of full blood of his near kin [illegible]
Mean Jack Foreman, [illegible] succession [illegible] as a Choloke [illegible]
on the roll of 1890, [illegible] no [illegible]
The estate [illegible] on the roll of 1880: Much
Jealed for enrollment [illegible] Alice Mun: He is not [illegible]
of 1880: He is entitled [illegible] [illegible] of this [illegible]
the roll of 1896, and [illegible] is also [illegible]
of land application [illegible] the [illegible] roll
enrollment as a Choloke [illegible].

No doubt[illegible] he is [illegible] roll of [illegible]
[illegible] to protest me this [illegible] of [illegible] Jim.

Sup[illegible] and [illegible] of [illegible] of his [illegible] [illegible]
[illegible] Mun [illegible] in this case, and that the [illegible]
Commission to the Five Civilized Tribes, [illegible] [illegible]
the enrollment [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF Celia Jones for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Celia Jones.
Q How old are you? A About thirty five.
Q What is your Postoffice ? A Eureka.
Q Do you live in Tahlequah District? A Yes sir.
Q Who is it you want to enroll; yourself and family? A yes sir.
Q Have you a husband? A yes sir.
Q How many children have you? A Four.
Q You are a Cherokee by blood, are you? A yes sir.
Q Is your husband a Cherokee by blood? A No sir, I reckon not.
Q What is he? A He is a white man.
Q Have you lived in the Cherokee Nation all your life? A Yes sir, I do not know any other place but here.
Q Give me the name of your father? A Bill Johnson, I believe his name was.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Lucy.
Q Is she dead? A No sir.
Q How many times have you been married? A Just once.
Q Give me the name of your husband? A Monroe Jones.
Q How old is he? A About forty years old.
Q When were you and he married? A I do not remember what year it was: It has been about twenty one years I think.
Q He is with you on the roll of 1880, is he? A yes sir.
Q Have you and he lived together ever since you were married?
A Yes sir.
Q Now give me the names of your children? A James William Thomas Jones.
Q Twenty years old last June? A Yes sir.
Q Andrew Jackson Jones; eighteen years old? A yes sir.
Q Nancy Talitha Emaline Jones; sixteen years old? A Yes sir.
Q Virgil A. S. Jones; fourteen years old? A Yes sir.

Q Are these children all living? A Yes sir.

(1880 Roll, Page 773, #1157, Cela Jones, Tahlequah D'st)
(1880 Roll, Page 774, #1558, J. W. T. Jones, Tahlequah D'st)
(1896 Roll, Page 1193, #1681, Celia Jones, Tahlequah D'st)
Q Is your husband's name [redacted] M.? A Yes sir.

(1896 Roll, Page 1283, #132, James M. Jones, Tahlequah D'st)
(1896 Roll, Page 1193, #1682, William T. Jones, Tahlequah D'st)
(1896 Roll, Page 1193, #1683, Andrew J. Jones, Tahlequah D'st)
(1896 Roll, Page 1193, #1684, Nancy T. E. Jones, Tahlequah Dst)
(1896 Roll, Page 1193, #1685, Virvil A. S. Jones, Tahlequah District)

Q Was your husband ever married except to you? A No sir.
Q Your husband is not with you on the roll of 1880: Have you his marriage license and certificate? A No sir; we were trying to get them up here out of the office, but we never did get them.
Q Did he get a Cherokee license? A Yes sir.
You will have to prove that some way. (No response)

Com'r. C. R. Breckinridge:
The applicant applies for the enrollment of herself, her husband and four children: She states that they were married twenty one years ago, and that she has lived in the Cherokee Nation all her life: She is identified on the rolls of 1880 and 1896, as native Cherokee, under her present name, and she will now be listed for

CELIA JONES ET AL.

COMMISSION TO THE FIVE CIVILIZED TRIBES
JAN 12 1901

enrollment as a Cherokee by blood.

The four children named in the testimony are all identified on the roll of 1896, and the eldest one is also identified on the roll of 1880: They are minors; are living at this time; and they will be listed for enrollment as Cherokee citizens by blood.

She states that her husband is a white man: He is not identified on the roll of 1880, but is identified on the roll of 1896: They have lived together ever since their marriage: Neither was previously married: He will now be listed for enrollment as a Cherokee by intermarriage upon a doubtful card to await proof of his having been married to his wife in accordance with Cherokee law.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A A Chadwick

Subscribed and sworn to before me this 12th day of January, 1901.

COMMISSIONER.

8122

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 13 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 19 1900 1900.

Name James M. Jones

District Tal. Year 1896 Page 383 No. 132

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Evidence of ~~license~~ Cherokee license and certificate of marriage required

D1022

Telegram

Muskogee, I.T. March 6, 1902.

Commissioner of Indian Affairs,
Washington, D.C.

Yesterday Choctaw Council passed resolution requesting Dawes Commission to have Choctaw Nation enrolled in Muskogee, and Mr. Mansfield, Chairman of Choctaw Council, has telegraphed to the Commission to-day to the same effect. Mr. Mansfield is a very influential man and I believe his request should be complied with. Please wire me if this can be done.

Respectfully,
Tams Bixby
Chairman Commission to the Five Civilized Tribes.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
MAR 6 1902
ACTING CHAIRMAN

Muskogee, I.T., March 6, 1902.

Hon. Tams Bixby,
Chairman Dawes Commission,
Muskogee, I.T.

Dear Sir:

Yours of the 5th received and in reply to the same I will say that I have no objection to your enrolling the Choctaw Nation in Muskogee if you think it advisable to do so.

Yours truly,
Leo E. Bennett
Acting Chairman.

C. D-1058.

R.

R.

C. D-1022.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James M. Jones for the enrollment fo himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

1/1027

DEPA
COMMISSION TO THE FIVE
FILED
JUN 18 1902

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that I have examined the marriage records of Tahlequah District Cherokee Nation to find the record of the marriage of Celia Jones to J.M.Jones, of Eureka, Indian Territory, and fail to find the names of said parties in said records; that the marriage records above named has been filed in this Office by law and are in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the [illegible] day of June 1902.

B. W. Alberty
Assistant Executive Secretary.
Cherokee Nation.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pideock	1517
Silas A Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W Gilstrap	1954
Sarah Young	2018
Nancy A Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E Lee	2251
Sarah Gritts	2256
John A Madden	2261
Henry C Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Daisey H Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C Fuller	5781
Henry F Extine	5796
Ida Wyly	5802
Richard L Fite	5815
Edward Lutz	5816
John F Woodworth	5829

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K Tyner	6855
Flora R Miller	6859
Lizzie Craig	6872
Jacob C Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M. Norman	7155
Mary F. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M Crowell	7163
Fannie E McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B Edmonds	7213
Eliza Jordan	7217
William T Ross	7218
Thomas M Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W Thompson	7267
Melissa Booth	7271
Solon L Jackson	7273
Henry W Coughran	7282
Sarah Ross	7291
Mary S Smith	7322
John A Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T Brady	7412
Lena O Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M Wilson	9444
David O Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B Barger	9857
Rachel Foreman	9858
Serepta C Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
Wilham M Evans	9948
William F Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M Cox	9964
Jerusha E Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D A. Mounts	D	1967
J C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A Martin	D	2811
Jesse P Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081
Horace Gray	D	3082
Lula Pack	D	3083
Lelia C. Harris	D	3084
Thomas Jones	D	3086
Benjamin Laws	D	3088
Martha Spade	D	3092
Julian Wyrick	D	3093
Samuel Harlan	D	3157
Lizzie Phariss	D	3171
Jack Michael	D	3172
Sarah E. Davis	D	3176
Grace Guthrie	D	3181
Mary E. Thornton	D	3183
Mamie Thompson	R	4
Jimmie G. Thompson	R	5
William T. Kelly	R	10
Alice Tidwell	R	19
Rosenna McLaughlin	R	41
Martha A. Perdue	R	45
Gabriel L. Payne	R	61
Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R. Mizer	R	266
Belle A. Powell	R	352
Austin L. Hill	R	420
Mary L. Dudley	R	439
Stephen Hazlett	R	465
Mary A. Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	613
Dora Crane	R	628
Andrew Sitrell	R	642
John Sitrell	R	642
Lillie May Wilson	R	643
Ollie A. Barger	R	656
Ida Hawkins	R	671
Lizzie Davis	R	761
Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied

..... Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

10

10 1052

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 26 1902

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mr. James M. Jones,

Eureka, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

on the 14 day of march, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-1022
Register.

Yours truly,

~~Acting Chairman~~

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ALL THE
COMMISSION OF THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Char. B-1022.

Muskogee, Indian Territory, June 7, 1902.

J. T. Parks, Esq.,

Executive Secretary of the Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

You are requested to furnish this Commission with a certified copy of the record showing the marriage of Celia Jones to one J. M. Jones, of Eureka, Indian Territory.

Very respectfully,

Acting Chairman.

I do not find the names of parties named above, but find Monroe Jones married Alice Johnson May 5 1888. no license on record. Record do not show whether either party was a citizen of Cherokee Nation.

The record, also shows, License was issued James M. Jones, on Feb. 21, '95, to marry Mrs. Minerva Lyman Jones, a citizen of the U. S. and miss Lyman a citizen of the Cherokee Nation.

B. W. Albert
Asst. Ex. Sec.

In reply refer to
Cherokee D 1022.

Muskogee, Indian Territory, June 16, 1902.

James M. Jones, Esq.,

Eureka, Indian Territory.

Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you submit to this Commission additional testimony showing your marriage to your wife, Celia Jones, in accordance with the laws of the Cherokee Nation.

We are advised by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, under date of June 13, 1902, that there is no record of your marriage in the Marriage Records of Tahlequah District in said Nation. In the absence of a certified copy of your marriage license and certificate, which apparently cannot be secured, it will be necessary for you to furnish this Commission the testimony of the Clerk or Deputy Clerk who issued to you such license, together with evidence of the party who solemnized said marriage.

This testimony must be furnished on or before July 1st, 1902.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D 1022.

Muskogee, Indian Territory, September 11, 1902.

John O. Rossen,

Tahlequah, Indian Territory.

Dear Sir:

James M. Jones of Eureka, Indian Territory, has this day been notified to appear before you within fifteen days from date hereof, and introduce further testimony showing his marriage to his wife, Celia Jones, in accordance with the laws of the Cherokee Nation relating to the intermarriage of white men and Cherokee women.

Yours truly,

Acting Chairman.

Cher. D 1022

Muskogee, Indian Territory, January 10, 1907.

James M. Jones,

Eureka, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D1022

Muskogee, Indian Territory, March 14, 1907.

James M. Jones,

Eureka, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Cher D 1023

Cher D 1023

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 17 1901

ACTING COMMISSIONER

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF Celia Jones for the enrollment of Andrew J. Faulkner (Falconer) as a citizen of the Cherokee Nation, and the said Celia Jones, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Celia Jones.
Q What is your Postoffice? A Eureka.
Q What is your age? A Thirty five.
Q You say you want to apply for an old man who lives in your family? A yes sir.
Q What is his name? A Andrew J. Faulkner (Falconer).
Q Why can not this old man apply for himself? A He is not able to get out, and he said I was coming, and that I could do.
Q How old is he? A Sixty three years old.
Q Can he not get about? A yes sir; he can get about.
Q Does he see good, or is he blind? A He is nearly blind.
Q He is nearly blind, is he? A yes sir.
Q Is he a Cherokee by blood? A yes sir; he claims to be.
Q How long has he lived in the Cherokee Nation,: Do you know?
A Twenty five years, I think he told me.
Q Was he ever married? A yes sir.
Q Is his wife dead? A Yes sir, one of them is, and he parted from his last wife.
Q Whom was he living with in 1880? A I do not know. I do not recollect.
Q What is the Postoffice of Andrew J. Faulkner? A Eureka.
Q Same as yours? A yes sir.

(1880 Roll, Page 529, #650, A. J. Falkner, Illinois District)
(1880 Roll, Page 529, #649, Mary A. Falkner, Illinois District)
Q Who was Mary who was with him on the roll ? A His wife.
Q Is she dead? A yes sir.

(1896 Roll, Page 928, #64, Andrew J. Fortner, Illinois District)

Q After this wife, Mary died, he married again, did he? A yes sir.
Q Whom did he marry the last time? A She was a Coleman I believe.
Q Was she a white woman or a Cherokee woman? A I think she claimed to be a Cherokee woman.
Q Is she dead? A No sir.
Q When did he marry that woman? A I do not know: It has been about seventeen or eighteen years ago, I reckon.
Q How long did they live together? A They lived together about nine or ten years: I do not know exactly.
Q Is she living now? A yes sir.
Q Where is she living: Do you know? A I think she lives in Gibson.
Q What is her name now? A Faulkner I reckon. I do not know her given name: I have heard him call it, but I have forgotten it.
Q Was her name Nora? A I believe that is her name.
Q Were there any children by that marriage? A Yes sir; one.
Q Do you know her father? A No sir.

Com'r. C. R. Breckinridge:
The testimony in the case of Norah Fortner et al, #1687, shows that she was a Coleman, daughter if James Coleman, and that she was married to a man named Fortner in 1889.

Q How long have Fortner and his wife, Nora, been separated:?
A About six years I guess.

Com'r. C. R. Breckinridge: The testimony just quoted further states that they have been separated for four years, and have not since that time lived together: She claims to have been readmitted to citizen-

ship, and she has been enrolled as a Cherokee by blood, with the requirement that she produce an official copy of her certificate of admission.

Q Why did Fortner and his wife separate? A I never did ask him: I never did ask him about that.
Q Have they ever had a divorce? A No sir, I think not.
Q Has he ever married since he separated from that wife? A No sir.

Com'r. C. H. Breckinridge: The applicant applies for the enrollment of Andrew J. Faulkner (Falconer - Fortner), whom she states lives with her family; is blind, old and infirm: He is identified on the rolls of 1880 and 1896 as a Cherokee by intermarriage: He being a white man. It appears from the testimony that his wife to whom he was married in 1880 is dead, and that he has since married one, Nora Fortner: Her status as a Cherokee woman is set forth in Case #1687, where it is required that she produce a certificate of her readmission to Cherokee citizenship: It is therefore not determined at this time whether her husband has married out of the rights he enjoyed in 1880, and to whether he was properly or improperly enrolled in 1896: It further appears that this couple have not lived together for four years, and no information is furnished at present as to whether he abandoned his wife. It is said that no divorce has been obtained between them, and that he has never remarried. He will now be listed for enrollment as a Cherokee by intermarriage upon a doubtful card, to await the determination of the status of his last wife, and further information in regard to the circumstances attending their separation: It should be observed in the later connection that practically they separated before the roll of 1896 was made, upon which he was admitted.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A A Crawford

Subscribed and sworn to before me this 12th day of January, 1901.

C H Breckinridge

COMMISSIONER.

D1073

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

ACTING CHAIRMAN

R.

C. D-1023.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Andrew J. Fortner for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter.

MR. HASTINGS: The representative of the Cherokee Nation moves for a continuance in the above case until March ~~14th~~ 19th, in order to get service of notice upon the applicant, so that proof may be introduced against him.

BY COMMISSION: The request of the Attorney of the Cherokee Nation will be complied with, and same will be continued until the 19th day of March, 1902.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly reported the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D. 1025.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Andrew J. Fortner for enrollment as a citizen by intermarriage of the Cherokee Nation.

O R D E R.

The record in this case shows that on December 18, 1902, one Celia Jones appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment of Andrew J. Fortner as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1903.

The evidence shows, by an affidavit of death made a part of the record herein, that Andrew J. Fortner died in January or February, 1902.

Section twenty-five of the Act of Congress approved July 1, 1902 (Public No. 241), duly ratified and provided for in section seventy-five thereof, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered by this Commission that the application for the enrollment of Andrew J. Fortner as a citizen by intermarriage of the Cherokee Nation, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
~~Acting~~ Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

VINITA, IND. TER. _____ 190

Muskogee, I. T., March 12, 1902.

Henry Pack,

Tahlequah, I. T.

Dear Sir:

Enclosed herewith find a notice, which please go at once and serve on Andrew J. Fortner, who lives near Eureka, I. T., and make your return on the original swear to it and send to us at once.

Yours truly,

J. M. THOMPSON DRUG CO.
...DRUGGISTS...

TAHLEQUAH, IND. TER. Meh 13th 1902

Mr. J. C. Starr

Kind friend I recieved your letter this Evening also the notice I saw Andy Miller who lives near Eureka he said that Andrew J. Fortner died about two or three months ago but I can seve the papers on Celia Jones if you want me to but as he is dead I thought that would settle the case Miller said he knew that he was sure dead let me hear from you

yours Friend

[illegible]

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1023

Muskogee, Indian Territory, March 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application of Celia Jones for the enrollment of Andrew J. Fortner as a citizen by intermarriage of the Cherokee Nation, he having died prior to September 1, 1902.

Respectfully,

Chairman.

Enc. M-2196

IN THE MATTER OF THE APPLICATION OF

Andrew J. Porter

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 12/19/00

B Memo. of application of 12/19/00

C Notice of final consideration, 3/14/02

D Proof of service of notice 3/19/02

Cher D 1024

Cher D 1024

FILED
JAN 11 1901
ACTING COMMISSIONER

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 19th 1900.

In the matter of the application of Ed Fish for the enrollment of himself, wife and two children as Cherokee citizens. He being sworn before Commissioner Breckinridge, testified as follows-

Q What is your name? A. Ed. Fish.
Q How old are you? A. 28.
Q What is your post office? A. Tahlequah.
Q Do you live in Tahlequah district? A. Yes sir.
Q Who is it that you want to have enrolled? A. Myself, wife and two children.
Q Both of these children by this wife? A. No sir, one by one woman and one by another.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your present wife a Cherokee by blood? A. No sir .
Q White woman? A. Yes sir.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.
Q Give me the name of your father? A. Levi Fish
Q Is he dead? A. Yes sir.
Q Give me your mother's name? A. Nellie.
Q Is she dead? A. No sir.
Q Give me the name of your present wife? A. Ida.
Q How old is she? A. 23.
Q When did you marry her? A. In 1898.
Q Have you a certificate of marriage to this wife? A. No sir I have to my first one.
Q What was the name of your present wife when you married her? A. A. Fisher.
Q Was that her maiden name? A. Yes sir.
Q Had this wife ever been married when you married her? A. No sir, she was a girl when she came here.
Q Did she come here with her parents? A. With her mother.
Q Passed as an unmarried girl did she? A. Yes sir she was 12 years old when she came.
Q Did you know her when she came? A. Yes sir.
Q Are you living with ~~them~~ any wife now? A. Yes sir.
Q What is her name? A. Ida.
Q Is she the one that you married in 1898? A. Yes sir.
Q Is she the one that came here when she was a girl 12 years old? A. No sir.
Q Was Ida married when you married her? A. Yes sir.
Q How many times? A. Once.
Q Was that husband dead before you married her? A. Yes sir.
Q Who was her first husband? A. Will Goings.
Q When did he die? A. I cant tell you exactly——in the spring.
Q Spring of what year? A. About three years before she and I married.
Q How long did she live with Will Goings? A. Three years I think.
Q She must have married very young? A. Yes sir.
Q Give me the name of your child by your present wife? A. Laura Fish
Q How old is that child? A. A little over a year old, will be two years old in the coming March.
Q What time in 1898 were you married? A. Think that it was in February.
Q Give me the name of your child by your first wife? A. Dennis.
Q How old is that child? A. Nine years.
Q Is he living now? A. Yes sir.
Q Give me the name of his mother? A. Lou.
Q Is she dead? A. No sir.
Q Was she a white woman? A. Yes sir.
Q What was her name when you married her? A. Lou Fisher.

The applicant presents a certificate showing that he was married to Lou Fisher by the Rev. L. Dobson on April 4th 1890. This if filed herewith.

Q Were you ever married before you married Lou Fisher? A. No sir.
Q Was Lou ever married before she married you? A. No sir.
Q Is she the one that came here when she was 12 years old? A. Yes sir
Q You seperated from Lou? A. Yes sir.
Q Get a divorce? A. Yes sir.
Q Where is the decree of divorce? A. At home I didnt bring it with me
Q When did you seperate from Lou Fisher? A. Cant tell you when it was 4 or 5 years though.
Q Who sued for the divorce, you or your wife? A. I did.
Q Was the divorce granted to you? A. Yes sir.
Q Did she leave you? A. No sir she didnt exactly leave me, she got to doing wrong with outside men and I sued her fro divorce.
Q She was unfaithful to you? A. No sir she was not.
Q And you were granted a divorce on that ground? A. Yes sir.
Q Has your wife married since then? A. Yes sir.
Q Who to? A. Connie Tims.
Q Is he a Cherokee by blood? A. Dont think he is, dont know much about him.

1880 roll, page 757 No 696 Eddy Fish, Tahlequah district

Q Was your wife Lou put on the roll of 1896 with you? A. I believe she was.

1896 roll, page	1167	No 984,	Edward Fish,	Tahlequah district.
1896	1279	79	Lue Fish	"
1896	1167	985	Dennis Fish	"

Q Was your wife's first husband a white man? A. Yes sir.

The applicant applies for the enrollment of himself, wife and two children, one being by his present wife, and one from a former wife from whom he was divorced. He is identified on the rolls of 1880, and 1896 as a native Cherokee, he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood. The child Dennis is identified on the roll of 1896 and is nine years of age. He is the child of the applicant by his former wife from whom he was divorced, and for whom no application is made. She is identified on the roll of 1896 as his wife and a certificate of marriage certifying that they were married in April of 1890 is filed herewith. This child is now living and will be listed for enrollment as a Cherokee by blood. The applicant states that he was married to his present wife Ida in 1898, but he is not able to file a certificate of marriage at this time. He states that she was once previously married but that her former husband was dead before the present marriage, and as indicated before, he was divorced from his former wife, he having been previously married only once. In any event, his marriage to his present wife is too late to entitle her to enrollment under the Cherokee law of December, 16th 1895, she being a white woman, and therefore the application for her enrollment is rejected. When he files his certificate of marriage and a copy of the decree of divorce from his first wife, and satisfactory proof of birth as to Laura, the child of the present marriage, that child will be listed for enrollment as a Cherokee by blood, but at present this child willbe placed on a doubtful card to await the evidence indicated.

Ed Fisk 2.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 11th of January, 1901.

C Merrick

Commissioner.

D1074

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 1st 1902

ACTING CHAIRMAN

R.

C. D-1024.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Ed Fish for the enrollment of his child Laura Fish as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of his child Laura Fish as a citizen of the Cherokee Nation would be taken up by the for final consideration by the Commission at its office in Muskogee, I. T., on the 14th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 14th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D-1024.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ed Fish for the enrollment of his minor child, Laura Fish, as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 19, 1900, Ed Fish appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his minor child, Laura Fish, as a citizen by blood of the Cherokee Nation. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that the applicant is the minor child of Ed Fish, a native Cherokee, and Ida Fish (formerly Goings), a white woman, who were lawfully married on February 20, 1898. The said Ida Fish had been once previously married, but her first husband died prior to her marriage to Fish. The said Ed Fish had also been previously married to one, Lou Fish (nee Fisher), but was legally divorced from her prior to his marriage to the mother of the applicant.

The applicant's father, Ed Fish, is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation, and on the 1896 census roll of said Nation. The applicant is too young to appear on any of the tribal rolls, but is identified by a birth affidavit on file with the Commission.

It further appears that the father of the applicant has resided in the Cherokee Nation all his life up to and including the date of the application herein; and the applicant being a minor is presumed to have resided with her father ever since her birth.

It is therefore the opinion of this Commission that Laura Fish should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the act of Congress, approved June 28, 1898, (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC - 1 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1024.

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Ed Fish for the enrollment of his minor child, Laura Fish, as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 21.

D 1024

IN THE MATTER OF THE APPLICATION OF

Decision

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(1) Original testimony of 12/19/00

(2) Memo. of Application of 12/19/00

(3) Notice of final consideration 3/14/02

D

See Cherokee Jacket #6981

See Cherokee Jacket #R 507

Cher D 1025

Cher D 1025

1025

JAN 11 1941

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 10th, 1901.

In the matterof the application of Solomon Hosmer for enrollment as a citizen of the Cherokee Nati on; said Hosmer being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Solomon Hosmer.
Q How old are you, Mr. Hosmer? A I am 56 years old.
Q What is your post office? A Muskogee.
Q In what district do you live? A Canadian.
Q Who is it you want to have enroll, yourself and family? A No, just myself.
Q Are you a Cherokee by blood? A Yes, sir, my mother was a Cherokee.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nati on.
Q How long have you lived there, all your life? A Yes, sir.
Q Give me the name of your father Major John Hosmer, Fort Gibson.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A My mother was Sallie Hosmer, Fort Gibson.
Q Is she dead? A Yes, sir.
Q Have you ever been married? A Yes, sir.
Q How often have you been married? A Twice.
Q Were your wives white woman or Cherokees? A My first wife was a Cherokee woman.
Q What is her name? A Melvina Hosmer.
Q Is she on the roll of 1880? A No, sir, she is not there, she died before the roll of 1880 was made.
Q Now, your second wife? A My second wife is a Creek, Susan.
Q Is she dead? A No, sir.
Q You have had her enrolled as a Creek have you? A Not myself individually, but my Creek family is.
Q She makes no claim as a Cherokee? A No, sir.
Q Now, have you any children by any of these marruages? A I have got three children on this Cherokee roll by my first wife.
Q They are of age are they" A Would have been if they were alive; they are all dead but oneQ Have you any children on the 1880 roll that are dead? A Yes, sir, Mary Hosmer, John Hosmer and Elizabeth Hosmer.
Q These three are dead? A No, sir, Mary and Elizabeth.
1880 Roll; page 21, #588, P. Solomon Hosmer, Canadian.
Q How did they happen to put that "P" in your name? A I do not know, I never put it there.
1896 Roll; page 34, #925, Solomon Hosmer, Canadian. (Note: "Living in Muskogee.")
Q Where are you making your home at this time? A Here in Muskogee.
Q I thought you said you lived in Canadian district. A That is my home in the Cherokee Nation. That is what I meant.
Q How long have you been livingin Muskogee? A Well, I have been here 17 years off and on.
Q How long have you been making this continuously your home? A About 16 years. I have owned property here in Town about 12 years; that is, my wife has.
Q Have you business interests to any extent over in the Cherokee Nati on? A No, sir.
Q They are here are they? A Yes, sir.
Q On what ground do you claim the Canadian district your home, if you are living here and all your business interests here? A I have been living in Canadian district ever since 1866 until a few

years ago; born and raised in Fort Gibson.
Q But you have just testified that you have been living continuously here in Muskogee for the past 16 years? A Yes, sir, and Canadian district was a district before 16 years.
Q How could you have been living in Canadian district a few years ago? A I did not say that.
Q How can you claim your citizenship in Canadian district when you have lived for 16 years in the town of Muskogee? A Well I do not know anything about that, I was just telling you how it was. I do not set up here to claim any right at all if it is not due.
Q You have just stated that you are a citizen of Canadian district? A I am a citizen of Canadian district.
Q Well, prove it? A I can prove it; I have been enrolled there for the past 25 years.
Q You claim it on the ground that you have been enrolled in Canadian district, but not that you live there or have any business interest there? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment ofhimself. His wife, as he states, being a Creek and no application is made for her. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He claims to have lived in the Cherokee Nation all his life, but states that he has lived in the Town of Muskogee, which is in the Creek Nation, continuously for the past 16 years, and that he has no home or material interests in the Cherokee Nation, and that his actual home and all of his interests are here. He will be listed for enrollment as a Cherokee by blood, upon a doubtful card for the further consideration of his rights arising from the facts as given in his testimony relating to his residence.

---oooOOOoooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

Cherokee D 1025.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Solomon Hosmer for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 10, 1901, Solomon Hosmer appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence further shows that applicant is identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll; that he is a Cherokee by blood and has resided all of his life in the Cherokee Nation, Indian Territory, except the last 16 or 17 years, during which time he has resided in Muskogee in said Territory.

It is, therefore, the opinion of this Commission that said Solomon Hosmer should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1025.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastin

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Solomon Hosmer for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 32.

Denison

IN THE MATTER OF THE APPLICATION

Simon Brown

FOR ENROLLMENT AS A

CHEROKEE CITIZEN.

Original testimony of 1/10/01
Memo. of application of 1/10/01

Transferred to Book

No 176

Cher D 1026

Cher D 1026

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 10th, 1901.

In the matter of the application of William Leonard Miller for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Miller being sworn and examined by Commissioner Brecki nridge, testified as follows:

Q Give me your full name, please? A William Leonard Miller.
Q How old are you? A I will be 28 years old the 6th day of next April.
Q What is your post office? A Muskogee.
Q In what district do you live? A I live here in Town now. Canadian is what I claim.
Q How long have you lived here in Town? A I have been living here seven years.
Q What are you doing here? A Just daily labor.
Q Have you been making your home here staedily for the past seven years? A I have been making my home here, me and my faimly.
Q Have you got any property in Canadian? A I have got a place down here on Spaniard Creek.
Q What have you been doing with it? A I have not been doi ng anything but pasturing it.
Q You have been making your home here in Muskogee for the last seven years? A Yes, sir.
Q Who is it you want to enroll, yourself and family? A Yes, sir.
Q You have a wife? A Yes, sir.
Q Howmany children? A One.
Q Are you a Cherokee by blood? A Yes, sir.
Q What is your wife? A Cherokee.
Q By blood? A By blood.
Q Where were you born? A I was born down here in Canadian district.
Q Have you lived in the Cherokee Nation all your life except the past seven years? A Never have lived anywhere else, born and raised in the Cherokee Nation and never have knowed anything else. I have been living here in Town because I could make a better lving here than living out in the country; claim no citizenship here.
Q Give me the name of your father? A Lewis Miller.
Q Is he dead? A No, sir.
Q Your mother, please? A Lucinda.
Q Is she dead? A No, si r.
Q Give me the name of your wife? A Addie Lee, the census takess put her name down Mary.
Q What ought it to be? A Her name Was America and they put her down as Mary.
Q How does your wife sign her name? A A. A., America Adella.
Q How old is your wife? A She is 31 I believe the 29th day of last November.
Q You say they have put her down in 1880 as Mary? A Mary if I am not mistaken.
Q What do they call her? A Jessie, she was nicknamed after her Uncle Jess.
Q When were you married? A We were married in 1886.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Was she be n in the Cherokee Nation? A She was born in Georgia or North Carolina I mean.
Q Does she belong to what is known as the North Carolina Cherokees; how old was she when she came here? A Two years old
Q Give me the name of her father? A Mile Johnson.

Q Is he dead? A Yes, sir, he is dead.
Q Give me the name of her mother? A Her mother was Adeline Johnson.
Q Is she dead? A No, sir.
Q Now, give me the name of your child? A Louis Milo.Miller.
Q How old is that child? A He will be 19 years old the 17th of next month.
Q Now, have you a certificate of marriage between yourself and your wife? A Not with me. I was married in Flint by William McKeith; I guess Walkingstick knows all about it.
1880 Roll; page 731, #1371, Lenard Miller, Tahlequah.
1880 Roll; page 445, #954, Mary Johnson, Going Snake.
1896 Roll; page 53, #1472, Leonard Miller, Canadian.
1896 Roll; page 53, #1473, Mary Miller, Canadian.
1896 Roll; page 53, #1474, Milo Miller, Canadian.
Q This child Louis Milo is living is he? A Yes, sir, he is alive.
Q Now, Mr. Miller, have you considered ~~the Cherokee~~ yourself a Cherokee citizen all the time you have been living here in Muskogee? A Yes, sir, I have been keeping up the Cherokee laws, voting and everything in the Cherokee Nation.
Q You have not been voting over here in the Creek Nation? A No, sir.
Q Have you had any business interests at any time over in the Cherokee Nation these seven years? A I had a place over there.
Q Is that a place you abandoned or you kept it? A I kept it.
Q Did you get rents from it? A Yes, sir, until here a while back I sold it.
Q How long back? A It has been a year or two I guess, I do not know exactly. I got into some trouble about it and sold it to keep out of a law suit. I rented it to a white man and could not get him off, and rather than go into a law suit I sold it. I took a place down here on Spaniard Creek, under fence and am using it as a pasture.
Q Have you got stock on it? A I had a man down there owning a couple of ponies and one of them died the other day and have been renting it to somebody else.
Q How much rent do you get from it? A I get so much a head; it is owing to what they put on it.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one child: He states that he is a Cherokee by blood and has lived in the Cherokee Nati on all his life, except the last seven years he has been making his home in Muskogee. He was identified on the rolls of 1880 and 1896. He will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card to consider the question of residence as set forth in the testimony. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee, but the applicant is unable to establish her change of name by marriage by a certificate at this time. He states that they were married in 1886. She will now be listed for ~~enrollment as a Cherokee by blood, but upon a doubtful card to con-~~ sider the question of residence as in the case of her husband, and to await the certificate of marriage extablishing her change of name. The child, Louis M. Miller, is duly identified on the roll of 1896. He is living and will be listed as a Cherokee by blood on the card with his father and mother.

---oooOOOooo---

William L. Miller--2.

J. O. Rosson, being fi rst du lysworn, states that as stenographer to the Commissi on t o the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 11th day of January, 1901.

C R Breece

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 17 1901

ACTING CHAIRMAN.

1026

S U P P L E M E N T A L T E S T I M O N Y .

D #1026.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 11th, 1901.

WILLIAM LEONARD MILLER supplements his testimony for enrollment as a citizen of the Cherokee Nation by the following testimony: said Miller being sworn and examined by Commissioner Breckinridge, testified as follows:

Q You are Leonard Miller, are you? A Yes, sir.
Q Mr. Miller, you made application for enrollment for yourself and wife yesterday I believe? A Yes, sir, myself, wife and child.
Q What did you say your age was at that time? A 37 past, 38 in April next.
Q And the name of your wife, what is that? A They have got her name down Mary in the census roll, it is America.

Com'r Breckinridge:--The applicant produces a marriage ~~licenx~~ certificiate signed by the Clerk of Flint district and under the seal of his office stating that on the 2d day of February, 1886, he performed the marriage ceremony between the applicant and America Johnson. This is considered satisfactory proof of the marriage of these parties, and at the request of the applicant the certificate is returned to him, and this supplementary testimony will be filed with his case, D card #1026, and a proper note will be made upon his card.

---oooOOOooo---

J. O. Rosson, being first dulysworn, states that as stngographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings of the above named witness in full and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 12th day of January, 1901.

Commissioner.

Cherokee D 1026.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William L. Miller for enrollment of himself, his wife, America A. Miller, and his son, Louis M. Miller, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 10, 1901, William L. Miller appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment of himself, his wife, America A. Miller, and his son, Louis M. Miller, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on January 11, 1901.

The evidence further shows that the applicant, William L. Miller, and America A. Johnson were lawfully married on the 2nd day of February, 1886; that he and his wife are Cherokees by blood and are identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll; that since their marriage they have lived together continuously as husband and wife in the Cherokee Nation, Indian Territory, except the last 7 years, during which time they have been residents of Muskogee, in the Creek Nation in said Territory. Their son, Louis M. Miller, is identified on the 1896 census roll and, at the date of this application and for several years previous thereto, has resided with his parents.

It is, therefore, the opinion of this Commission that William L. Miller, America A. Miller and Louis M. Miller should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of the Act of Congress, approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1026.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of William L. Miller for the enrollment of himself, his wife, America A. Miller, and his son, Louis M. Miller, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 98.

Decision. D 1026

IN THE MATTER OF THE APPLICATION OF

William A. Martin et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original Testimony of 1/10/01.
Memo. of the Application of 1/10/01.
Supplementary testimony 2/11/01

Transferred to
No 1013

Cher D 1027

Cher D-1027

1027

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 11 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, Jan. 10, 1901.

In the matter of the application of Charles Hunter for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your full name? A Charles Hunter.
Q How old are you, Mr. Hunter? A About 35; don't know my age exactly.
Q What is your postoffice address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Chdrokee Nation? A Yes sir.
Q By blood? A By blood.
Q For whom do you apply for enrollment? A Just myself.
Q Is your name on the roll of 1880? A I think it was left off. I was at Fort Smith in 1880, and then I applied to the Council, and they admitted me.
Q Have you any certificate of admission? A No sir.
Q You applied to the Council and they readmitted you? A Yes sir
Q Have you a certificate of that? A No sir.
Q You will have to get a certificate. A I don't know whether you call it admitted or not. I drew money at that time. I went to Tahlequah and they enrolled me there.
Q Where were you born? A In the Cherkee Nation, Cooweescoowee district.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q All your life? A Yes sir.
Q What degree of blood have you? A Quarter.
Q What is the reason you are not on the roll of 1880? A I was at Fort Smith at that time.
Q State of Arkansas? A Yes sir.
Q Living there? A No sir, I was under arrest.
1896 roll: page 183, #2428, Charley Hunter, Cooweescoowee district
1894 roll: page 217, #2307, Charles Hunter, Cooweescoowee district.
Q What was your father's name? A David Hunter.
Q He living? A No sir.
Q What was your mother's name? A Susan.
Q She living? A No sir, she's dead. My parents died when I was small.
Q Died before 1880? A Yes sir.
Q You always been recognized as a citizen? A Yes sir.
Q Always exercised the rights - voted? A Yes sir. I am on every roll except the 1880 roll. I was left off that roll.

By W.W.Hastings, representative of the Cherokee Nation:
Q What was your mother's maiden name? A She was a Connor.
Q A Cherokee? A Yes sir.
Q Your father a Cherokee? A No sir, he was a white man.
Q Except the time you were under arrest, you always lived in the Cherokee Nation - born in the Cherkee Nation? A Yes sir; lived right around Vinita. I was raised there.

Commissioner-
Q Has your citizenship to your knowledge ever been disputed ? A No sir, never has.
Q How long was you at Fort Smith? A I was there about three or four weeks.
Q While the 1880 roll was being made? A Yes sir; and when I came back in the fall, I went to Council, and they put me on, and I drew that money. I think it was $17.00 and something at that time.
Q You got a payment? A Yes sir.
Q The '80 payment was made by virtue of the 1880 roll? A Yes sir, think it was; they called it grass money, I believe.

R- C.N.

Q Are you married? A No sir.

Commissioner Needles-

The Name of Charles Hunter is found upon the Census roll of 1896 as well as the Pay roll of 1894. His name does not appear upon the authenticated roll of 1880, for reasons as he states in his testimony. He makes satisfactory proof as to his residence; but by reason of his name not being found upon the authenticated roll of 1880, final judgment ante his enrollment will be suspended, and his name will be placed upon a doubtful card.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five CivilizedTribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 11th day of January, 1901.

Commissoner.

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ACTING CHAIRMAN

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 10, 1901.

SUPPLEMENTARY TESTIMONY - In the matter of the enrollment of CHARLES HUNTER.

Witness, Henry Falling, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Henry Falling.
Q What is your age? A 48.
Q What is your postoffice address? A Muskogee.
Q You a citizen of the Cherokee Nation? A Yes sir.
Q You know Charles Hunter? A Yes sir.

By W.W.Hastings, representative of the Cherokee Nation-
Q How long have you known Charles Hunter? A I have known him nearly all his life.
Q Did you know his father? A I have see him. He got killed when I was very small.
Q Was his father a white man? A Yes sir.
Q What was his mother? A An aunt of mine. My father's sister.
Q A full sister? A Half sister. Her name was Conner.
Q Was she a Cherokee by blood? A Yes sir.
Q She had the same mother that your father did? A One mother.
Q Did your father get his Cherokee blood through his mother? A My father was a Cherokee full blood.
Q But his mother was a Cherokee? A Yes sir, on mother's side.
Q Is Charles Hunter here a Cherokee? A Yes sir.
Q Has his rights ever been disputed? A Not that I know of.
Q You know why his name is not on the roll of 1880? A He seems to have been away at that time. He said he was at Fort Smith. He never was away for any length of time that I know of.
Q You knew him continuously ever since he was a little boy up to the present time? A My father raised him. They brought him down in the Choctaw Nation and raised him since the war, and we growed up in one house.
Q Where has he been living since the war? A Close to us at Vinita.
Q In the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes sir.

Cross-examined-
Q Did Charles Hunter's father and mother die before 1880? A Yes sir, his mother died during the war time, and his father got killed during the war. He got killed close to Vinita where he is now.
Q Was Charles Hunter living with you at that time with your family? A In 1880, you see my father died. From 1880 we were left without any home, just living around with kin folks close together ever since that time. While my father was living, he was living with us all the time. I guess he is on every roll except the '80, I don't know.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 11th day of January, 1901.

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
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C. D-1027

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 18, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Charles Hunter for enrollment as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter on the 27th of February, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15thday of March, 1902.

On this the 15th day of March, 1902, the applicant having been called and failing to appear either in person or by attorney, the case is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceeding in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D 1028.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles Hunter for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 10, 1902, Charles Hunter appeared before this Commission at Muskogee, Indian Territory, and made personal application for enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 15, 1902.

The evidence shows that the applicant is a Cherokee by blood; that he is identified on the 1894 strip payment roll and the 1896 census roll; that his mother was a Cherokee, and died prior to 1880. His father was a white man.

The evidence further shows that the applicant has resided in the Cherokee Nation all of his life, except three or four weeks in 1880, during which time he was under arrest at Fort Smith, Arkansas.

It is, therefore, the opinion of this Commission that Charles Hunter should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1027.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Charles Hunter for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 99.

Delaware D 1027

IN THE MATTER OF THE APPLICATION OF

Charles Hunter

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Transcript of Testimony of 1/10/01

Delaware Application of 1/10/01

Supplemental Testimony of 1/10/01

Notice of final consideration, 3/15/02

Order closing testimony 3/15/02

Intermarried to

Cher #9112

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Cher D 1028

Cher D 1028

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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee I. T., January 10, 1901.

In the matter of the application of Anna E. Lyons for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T.B.Needles, testified as follows:

Q What is your name? A Anna E. Lyons.
Q What is your age? A 27 .
Q What is your postoffice address? A Fort Gibson.
Q What district do you live in? A Illinois, I think it is.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Myself.
Q Is your name on the authenticated roll of 1880? A Yes sir.
1880 roll; page 548, #1001, Annie Lyons, Illinois district.
1896 roll; page 277, #1103, Annie Lyons, Illinois district.
Q How long have you lived in the Cherokee Nation? A All the time except when I was away at school.
Q You born in the Cherokee Nation? A Yes sir.
Q How long were you away at school? A We were taken away about when my mother died. I was 11 years old and I was at school nearly all the time until three years ago.
Q Where did you go then? A We were taken to Kansas, from there to Canada, and then to Colorado and California.
Q How long have you been living in the Cherokee Nation since you returned? A Six months.
Q I understand from your testimony from the time you were 11 years of age, you never lived in the Cherokee Nation until six months ago? A No sir.
Q What is your father's name? A John F. Lyons.
Q He living? A No sir.
Q Where did he die? A In California.
Q Is your mother living? A No sir.
Q What was her name? A Middy Lyons.
Q Where did your mother die? A At Fort Gibson.
Q When? A In 1885, I think.
Q Were you living there when she died? A Yes sir.
Q You left Fort Gibson after the death of your mother? A Yes sir.
Q Where is your permanent home now, Miss Lyons? A I am back here. I think I shall make this my home.
Q You came from California here? A Yes sir.

Commissioner Needles: Witness, Henry C. Meigs, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Henry C. Meigs.
Q What is your age? A 59, going on 60.
Q What is your postoffice address? A Fort Gibson.
Q You a Cherokee citizen by blood? A Yes sir.
Q You know Anna E. Lyons? A Yes sir.
Q What relation do you bear to her? A I am her uncle. She is the daughter of a sister of mine.
Q Are you her legal guardian? A Yes sir, I was. I was appointed by Judge Cookson of Illinois district during his time. I was appointed guardian by request of her father.
Q Anna E. Lyons is a Cherokee by blood, is she? A Yes sir.
Q She has been living in California until the last six months? A After her mother died, he put the children at school, and afterwards he married.
Q Who took her out of the territory? A Her father.
Q What was her age then? A About 11 as well as I can recollect. He took two of them; she and her brother.

2- A.E.L.

By W. W. Hastings, representative of the Cherokee Nation-
Q About when did her father die? A It's been nearly two years.
Q Did the children have any property here? A One-seventh interest in four town lots at Fort Gibson and some ponies. I collected their strip money in 1894 and sent it to them.

Commissioner Needles-

The name of Anna E. Lyons is found upon the authenticated roll of 1880 and the Census roll of 1896 as Annie Lyons, and she is duly identified according to page and number of the roll as indicated in the testimony. By reason of the testimony as to her residence, final judgment as to the enrollment of said Anna E. Lyons, as a Cherokee citizen by blood, will be suspended, and her name will be placed upon a doubtful card.

E.G.Rothenbeuger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenbeuger

Subscribed and sworn to before me this 11th day of January, 1901.

Commissioner.

R

C. D-1028

Department of the Interir,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Anna E. Lyons for the enrollment of herself as a Cherokee citizen.

Appearances:
J.S.Davenport, Vinita,I.T., attorney for applicant;
W.W.Hastings attorney for the Cherokee Nation.

BY COMMISSION: Applicant was notified by registered letter February 27th,1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15 th day of March,1902. Receipt has been acknowledged of the Commission's letter and the applicant this day appears byher attorney, J.S.Davenport, and submits the case, and requests that he be granted 15 days in which to file a brief; his request will be complied with. The representative of the Cherokee Nation present also submits the case. Same is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D,1088.

In the matter of the application
for enrollment as a citizen by blood
of Anna E.Lyons.

I William W.Hastings attorney for the Cherokee Nation hereby accept service of a copy of the petition and brief filed on behalf of Anna E.Lyons before the Hon,Secretary of the Interior, in the matter of the application for enrollment of the said Anna E. Lyons as a Cherokee by blood.

This the 3rd,day of Novembdr,1902.

W.W.Hastings

Attorney for the Cherokee Nation in making the Cherokee roll of Cherokees before the Dawes Commission and the Interior Department.

D 1088

Cherokee D,1925.

In the matter of the applicant
of Anna E,Lyons for
enrollment as a
Citizens of the Cherokee Nation.

Brief of applicant

J.S.Davenport.
For applicant.

Cherokee D,1028.

Department Of The Interior.
Commission To The Five Civilized Tribes.

In the Matter of the Application of
Anna E.Lyons for the Enrollment as
A citizen by blood of the Cherokee
Nation.

Brief on behalf of Applicant.

There is no dispute in this case about the facts,the whole controversy being one as to the construction of the law under and in pursuance of which the Commission to the Five Civilized Tribes is acting in making the Cherokee roll.

The applicant feels that the law has been improperly construed in her case and that she has been denied enrollment as a citizen of the Cherokee Nation,when with a proper construction of the law she would have been enrolled.

Resting as this case does solely upon what is the true meaning and just interpretation of the law,it is eminently proper that the authority given the Secretary of the Interior to review the findings and decision of the Commission to the Five Civilized Tribes should be invoked,and to this end the applicant has filed a petition for rehearing in this case and have assigned certain errors of law made by the said Commissionas the reason therefor.

It is claimed first,that the Commission erred in holding that this applicant came within and was affected by the 9Paragraph of Section 21,of the Act of Congress,approved June ,28,1898. a careful examination of the entire Section 21, of the said Act of Congress,of June 28,1898,it is thought by Counsel for applicant warrants the conclusion that the Paragraph 9 relied upon by the Commission to support their holding does not and can not apply to this case or to a case where the facts show Applicant to be on all of the Cherokee rolls.

In this case there is no dispute that the applicant is a Cherokee by blood and that she was born in the Cherokee Nation and that she is

On all of the Cherokee rolls,the 1880 and 1896.

It being conceded that the applicant is on the Cherokee rolls of 1880,and 1896,and that she was born in the Cherokee Nation of Cherokee Parents, and that when she made the application to be enrolled that she was a resident of the Cherokee Nation,we are then directed to the question of how a person entitled to share in a Common estate and who is conceded to be one entitled to share can forfeit their right to share in the same,.This roll is now being made by the Commission for the purpose of ascertaining the number of Citizens entitled to share in the property of the Tribe and,so far as this case is concerned,is purley a property right.

The evidence in this case show that the Mother of applicant died in the Cherokee Nation and that the father of applicant took her out of the Cherokee Nation and that he Married in the states and lived there until his death(Page I,of the evidence) that after the marriage of the father ,the father had the uncle of applicant ,who was a Cherokee and who was living in Illinois District,Cherokee Nation, appointed by the Cherokee Court the legal guardian of applicant and that she had some property and chattles in the Cherokee Nation all the time during her absence.

The father when he remarried in the states lost all of his rights as a citizens by adoption in the Cherokee Nation and could not be the legal guardian of his daughter in the Cherokee Courts,and was so far as the Cherokee laws were concerned,dead,the father being dead in law and the mother having died a natural death in the Cherokee Nation,the leagl residence of the applicant until she reached her majority was in the Cherokee Nation, and could not be changed by her during her minority,

Grimmett as guardian VS- Witherington et al 16,Ark,377
Stroy's Conflict of laws(2d Ed)sec,505,a,b,c,and note,at p,17.

Under the Cherokee law the father could exercise no right as to property after his marriage to a white woman,not a Cherokee citizen.
Compiled laws of the Cherokees,1892,section,866

From the date of the marriage of the father of applicant until she returned to this Nation she had a legal guardian in the Cherokee Nation

one who looked after her interest in the Nation.
The mother died in the Cherokee Nation and the fateth after remarry--ing moved to California and there died about two years prior to the date of the application in this case.
The applicant could forfeit her rights in the Cherokee Nation,but one way under the Constitution and laws of the Cherokee Nation a nd that was by removing from the Cherokee Nation with her effects and becoming a citizen of another government, Article I. section,2.of the Cherokee Constitution relating to the question of forfeiture of Citizenship ,is as follows,"That,whenever any citizenshall remove with his effects out of the limits of this Nation,and become a citizen of any other government,all his rights and privileges as a citizen of this Nation shall cease".
This applicant had not done and there is no proof that she had,in fact there is proof to the contrary that she held property here all the time and that she still owned it at the time she applied to be enrolled.Again there is no proof that she had at any time become a citizen of another government. In the absence of proof to that effect we must presume that she had not and that she still retained her Tribal relations in the Cherokee Nation, and that she still holds her Domicil in the Nation,though she was for some time living in Canad a ,California and other places. There is no proof that she had at any time or in any manner severed her relation with the Cherokee Tribe of Indians or that she ever intended to do so, but on the contrary the evidence shows that she at all times kept up her relation with the tribe and was on all of the regular rolls of the said tribe and in every way recognized as a citizen of the said Cherokee Nation.
We have showed how under the Cherokee law she could have forfeitedher rights and the only way in whoih she could have done so.We are now to consider the question of what is necessary to a forfeiture of Political rights under any government and then we will take up the question of property rights ,which is the question in this case, it is not a question of political rights but property rights solely.
Were it political rights we would stop here and call attention to the case of John Ellk,Pl'ff'in error.

Vs.

Charles Wilkins.

II2,U.S.Reports,645.and cases there cited. this case will fully explain and show how an Indian can abandon his Tribal relations and become a citizen of another government, and by so doing assume all the political rights that can be conferred on hi by the laws of the government of which he seeks to become a citizen.

The case a bove cited does not attempt to shew and fails to in any manner to explain how a citizen of the tribe can forfeit his property rights.

The question has been discussed as to what was necessary for one claiming to be entitled to share in the property of the Tribe, to do before he could participate in the distribution,and in that case it was held that before he could share in the property he must come and be readmitted by the Tribe,

Eastern Band of Cherokee Indians VS- United States et al, II7.U.S.7I8.

In this case it was not necessary for applicant to be re-admitted, she was a recognized citizen and duly enrolled as such on all of the rolls and are entitled to be enrolled as such.

It is contended by Counsel for applicant that under the law giving the Commission power to make the rolls of the Cherokee Nation it is manditory upon them to enroll applicant when it is shown that she is on the roll of I880.

The ACt of Congress of J ne the 28,I898,Sec,2I,the first paragraph of said Act is as follows;"That in making the rolls of the several tribes,as required by law,the Commission to the Five Civilized Tribes is authorized and directed to take the roll of the Cherokee Citizens of Eighteen hundred and eighty(not including Freedmen)as the only roll intending to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living,whose names are found on said roll,and all decendants born since the date of said roll to persons whose names are found thereon,"

This is the only provision that relates to the enrollment of persons whose names appear on the roll of I880,that are citizens by blood.

There is no further refrence any where in the said section,2I.which in any manner relates to the enrolling of persons found on the roll of I880,

Paragraph 9 referred to by the Commission could not under any statutory construction be joined with,modified or repal the first paragraph

of said section,31,of the said Act of Congress.

The applicant could do no more than she has done she has always been a citizen of the Nation and was at the time of her application a resid-ent and owned and held her property here in the Cherokee Nation all the time.

This applicant contends that she was On June the 28,1898 as legal a resident of the Cherokee Nation as those who wrere residing in the Creek or Muskogee Nation and that she was entitled to be enrolled as same as those who resided in the said Creek Nation on June the 28,1898,For the language of the Act upon which the Commission relx to reject applicant is as follows," must have heretofore removed to and in good faith,settled in the Nation in whoih he claims citizenship A party living in the Creek or Muskogee Nation is not a resident of the Nation in which he claims citizenship,when he claims and asks to be enrolled in the Cherokee Nation,but the said Commission has placed on the rolls of the Cherokee Nation or recommended for enroll-ent many who have for years lived in the Creek Nation amongst whom are Col,R.L.Owen ,Dr,F.B.Nite and many other families.

Applicant insists that she has fully complied with the letter and the spirit of the law and that she is justly entitled to be enrolled . That the Commission has erred in refusing her enrollment and that she has not in any manner forfeited her rights as a citizen of the Cherokee Nation by blood.

Wherefore she prays that the decision of the Commission be reversed set aside and that a new judgment be rendered enrolling her as a citizen by blood of the said Cherokee Nation.

James D Davenport
ATTORNEY FOR APPLICANT.

Cherokee D 1028.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anna E. Lyons for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 10, 1901, Anna E. Lyons appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 15, 1902.

The evidence shows that the applicant is a Cherokee by blood; that she is identified on the 1880 authenticated tribal roll of the Cherokee Nation, but was not a resident of the Indian Territory on June 28, 1898, and had not been for years prior thereto. Paragraph 9 of Section 21 of the Act of Congress, approved June 28, 1898, provides that: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Anna E. Lyons for enrollment as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

T. R. Rudinoff,
Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

CD 1028

Supl. Chero. D-1088.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 25, 1903.

In the matter of the application of Anna E. Lyons for the enrollment of herself as a citizen by blood of the Cherokee Nation.

Appearances: J. S. Davenport, for applicant; J. C. Starr for the Cherokee Nation.

Anna E. Lyons, being duly sworn, and examined by her attorney, testified as follows:

Q What is your name? A Anna E. Lyons.
Q What is your postoffice? A Vinita just now.
Q How old are you? A Twenty-nine.
Q What is your father's name? A John F. Lyons.
Q Your mother's name? A Mittie Lyons.
Q You are a Cherokee by blood? A Yes sir.
Q Through whom do you claim your Cherokee blood? A From Chief John Ross.
Q Was your mother a Cherokee by blood? A Yes sir, my mother.
Q Where was your mother raised? A In the Nation.
Q In what Nation? A Cherokee Nation.
Q Where were you born? A Parkhill, Cherokee Nation.
Q Is your mother living or dead? A Dead.
Q Is your father living? A Dead.
Q Where was your mother living at the time of her death? A Fort Gibson.
Q Where is your home now, Miss Lyons? A In the Cherokee Nation.
Q Did you ever have a permanent home any place else except in the Cherokee Nation? A I have lived so many places; it was home then; we always intended coming back to this home.
Q Did you ever move away from the Cherokee Nation intending not to return? A No.
Q Where did you live when you were living outside of the Cherokee Nation? A Canada and California.
Q What were you in Canada for? A Going to school.
Q Was your father a citizen by blood, or a citizen of the United States? A A United States citizen.
Q After your mother's death in the Cherokee Nation where did your father live? A He went to Muskogee and then to St. Louis.
Q Where was he living at the time of his death? A California.
Q Was he an invalid for some years or troubled with some affliction before his death? A A year.
Q When did he die? A In '98, I think it was.
Q When did you come back to the Cherokee Nation after his death? A In July, 1900.
Commission: How old did you say you were? A Twenty-nine.
Q Did you live continuously in the Cherokee Nation up until your mother died? A Yes sir.
Q That was what year you say? A She died in '85.
Q And then your father went to California shortly after that? A He went to Missouri.
Q Did you go with him? A We were in Kansas at school at that time, and we went on to Canada, and then he went to Missouri where he married again.
Q When was that? A In '89 I think it was.
Q Between '85 and '89 where were you? A I was two years in Kansas and in Canada the rest of the time.
Q Going to school? A Yes sir.
Q Then when your father married you went to Missouri? A Yes sir.
Q He married a white woman? A Yes sir.
Q And made his home in Missouri? A Yes sir.

Q Was his wife a citizen of Missouri? A No, she was a citizen of Maine.
Q How long did you continue to live here with your father and your step-mother? A I think we lived there about two years and a half until she was taken sick, and she went to Colorado on account of her health. My father and brother were in California and I went to Colorado with my mother on account of her health.
Q Then you went to California where your father was? A Yes sir.
Q How long did you stay there? A We were there about eight years.
Q What was your father doing there? A He was in the mining business.
Q Was that his home? A He called that his home.
Q Did ~~he~~ he have a home back in Missouri? A No sir.
Q He left Missouri for good, did he? A Yes sir.
Q In what part of California was that? A Redding, Shaster County.
Q Did he consider himself a citizen of California, do you know? A No, I think not.
Q Did he vote there? A No, he didn't vote at all.
Q You say he died out there? A Yes sir.
Q In '98? A Yes, in the spring of '98.
Q And you came back two years after that? A Yes sir.
Q Is your step-mother still living? A Yes sir.
Q Did she come back with you? A No, she is there.
Q She is still there? A Yes.
Q Where did you come to when you came back to the nation? A Fort Gibson.
Q And been living there ever since? A I live there when I am not teaching.
Q Are you teaching in the nation? A Yes sir.
Q Have you any property in the nation, any farm? A No.
Q You have never located any claim in the nation at all, have you? A No sir.
Q Have you considered yourself all these years a citizen of the Cherokee Nation? A Yes sir.
Q And a resident here? A I have always claimed this as my home and intended to come back here.
Q Did you consider that your father's home out in California was yours? A It was while I was with him; it was the only home I had.
Q What part of the Cherokee Nation do you consider your home? A Fort Gibson.
Q You have relatvies there? A Yes sir.
Q What relatives have you? A An uncle, Henry C. Meigs.
Q You claim your home with him now, do you? A Yes sir.
Q You never have been married? A No.
Q You made application for enrollment about three years ago, didn't you? A Yes sir.
Q You have claimed all the time that this is your home, have you? A Yes sir.
J. S. Davenport: Up until the time of your mother's death, from the time of her marriage to your father, where did they claim their home? A Fort Gibson.

-Anna E. Ikens-

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. Rothenberger

Subscribed and sworn to before me this 27th day of April, 1905.

Samuel Foreman,
Notary Public.

Cherokee D.1038.

Department of the Interior,

Commission to The

Five Civilized Tribes.

In the matter of the

application of Anna E.Lyons,

for the enrollment as a citizen by blood of
the Cherokee Nation.

Briefs of applicant on the petition of Rehearing.

James S.Davenport,

Cherokee D.1028.

Department of the Interior.

Commission To The Five Civilized Tribes.

In the matter of the application of Anna E.Lyons for enrollment as a citizen by blood of the Cherokee Nation.

PETITION FOR RE-HEARING.

To The Hon., The Secretary of the Interior:-

Your petitioner,Anna E.Lyons, most respectfully prays that the decision and judgment of the Commission to the Five Civilized Tribes rendered in this case on September 20th,1903, be reveiwed and a Re-hearing be granted to her, and that the decision of the said Commission be set aside and held naught, and a decision and judgment be rendered in said case enrolling your petitioner as a citizen of the Cherokee Nation by blood, and as a reason why the said decision and judgment of the said Commission should be reveiwed, Re-heared and set aside, and for naught held your petitioner says:-

First:-The Commission to the Five Civilized Tribes committed an error of the law in holding that the petitioner came with in paragraph nine, of section 21, of the act of Congress approved June 28th.,1898, which provided "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation,in which he claims Citizenship".

Second:-That the Commission committed an error of the law in holding that because of the fact that the petitioner herein was not in the Geographical limits of the Cherokee Nation on June 28th.1898,she was not entitled to be enrolled as a Citizen.

Third:-The Commission committed an error of the law in refusing to enroll your petitioner as a Cherokee by blood.

Fourth:- The Commission committed an error of the law when it held that the petitioner herein was not entitled to be enrolled as a citizen of the Cherokee Nation by blood, when the rolls of the Cherokee Nation both of 1880 and 1896, showed that the petitioner name was on

said rolls, and she being on the said roll, the law was manditory upon the said Commission to enroll the said petitioner.

I at. Sub-Division:- of section 21, of the Act of Congress of June 28th, 1898, relative to the making of the Cherokee rolls is as follows:-

"That in making rolls of Citizenship of the several tribes as required by law, the Commission to the Five Civilized tribes is authorized and directed to take the roll of Cherokee Citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding Act of Congress, and to enroll all persons now living, whose names are found on said roll and all decendants born since the date of said roll to the persons whose names are found thereon."

Wherefore your petitioner prays that the said decision be reveiwed and a Re-hearing granted her and that the decision and judgment of the Commission be set aside and a new decision and judgment rendered in this matter, enrolling your petitioner as a Citizen by blood of the Cherokee Nation, as by the law provided and required.

J. W. Dunbar

Attorney for Petitioner.

Cherokee D. 1028.

DEPARTMENT OF THE INTERIOR.

Before the Honorable A. E. Hitchcock, Secretary of the Interior.

In the matter of the application of Anna E. Lyons for enrollment as a citizen by blood of the CMerokee Nation.	PETITION FOR REHEARING.

To the Honorable, the Secretary of the Interior:

Your petitioner, Anna E. Lyons, most respectfully prays that the decision of Your Honor affirming the judgment and decision of the Commission to the Five Civilized Tribes, which judgment and decision of the Commission to the Five Civilized Tribes was rendered against her on September 20, 1902, and the affirmance of the same was rendered by Your Honor on the 20 day of November, 1902, be reviewed and a rehearing granted her, and for grounds of said motion she says:

First: That Your Honor committed an error of law in affirming the decision of the Commission to the Five Civilized Tribes, which decision of the Commission to the Five Civilized Tribes held that petitioner came within the purview of paragraph nine of section twenty-one of the Act of Congress approved June 28, 1898, which provided:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Second: That Your Honor committed an error of law in holding that because of the fact that petitioner herein was not a resident within the geographical limits of the Cherokee Nation on June 28, 1898, she was not entitled to be enrolled as a citizen.

Third: That Your Honor committed an error of law in refusing to enroll your petitioner as a Cherokee by blood.

Fourth: Your Honor committed an error of law when he held that petitioner was not entitled to be enrolled as a citizen of the Cherokee Nation by blood when the evidence disclosed the fact that petitioner was on the authenticated rolls of the Cherokee Nation made

in 1880 and on the roll made by the Cherokee Nation in 1896.

Fifth: Your Honor committed an error of law in holding that petitioner was not entitled to enrollment under and by virtue of the act of Congress of June 28, 1898, the first subdivision of section twenty-one, which is as follows:

> "That in making rolls of citizens of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll and all descendants born since the date of said roll to persons whose names are found thereon."

Seventh: Your Honor committed an error of law in holding that the facts as disclosed by the record in this case were similar to or in any manner connected with the case of Philip T. Johnson.

Eighth: Your Honor committed an error of law in holding that the absence of petitioner from the Cherokee Nation on June 28, 1898, within itself was sufficient to deny petitioner enrollment as a Cherokee by blood, when the evidence in her case disclosed that she was on the roll of 1880 and 1896 of the Cherokee Nation, and that during the period of her absence from the Cherokee Nation she owned and held property in the said nation and had a legal guardian in the Cherokee Court up to the time of the abolition of the said Cherokee courts by the act of Congress of June 28, 1898.

Wherefore your petitioner most respectfully prays that the said decision rendered by Your Honor affirming the decision of the Commission to the Five Civilized Tribes be set aside and a rehearing granted her, and that upon a final hearing it be decreed by Your Honor that she is entitled to enrollment as a Cherokee by blood, and that the Commission to the Five Civilized Tribes be directed to enroll her as a citizen by blood of the Cherokee Nation.

Daniel B. Henderson

James A. Dunn

Attorneys for petitioner.

Cherokee D. 1028.

DEPARTMENT OF THE INTERIOR,

Before the Honorable A. E. Hitchcock, Secretary of the Interior.

In the matter of the application of Anna E. Lyons for enrollment as a citizen by blood of the Cherokee Nation.

I, W. W. Hastings, attorney for the Cherokee Nation, hereby accept service and the receipt of a copy of the petition of Anna E. Lyons for rehearing before the Honorable Secretary of the Interior, which copy of the petition is filed by the said petitioner, Anna E. Lyons, praying a rehearing of her case before the Honorable Secretary of the Interior, which had been passed upon by the Honorable Secretary of the Interior on the 20 day of November, 1902, affirming the decision of the said Commission to the Five Civilized Tribes, which decision was rendered by the said Commission on September 20, 1902.

_____

Attorney for the Cherokee Nation.

Cherokee R #773

Jac

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anna E. Lyons for enrollment as a citizen by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on January 10, 1901, Anna E. Lyons appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, 1902. On September 20, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval, and the Department approved said decision on November 20, 1902. On December 1[illegible], 1902, the Commission transmitted to the Department a copy of a petition for rehearing filed with the Commission by the attorneys for the applicant, and the Department denied said petition on January 9, 1903. Under date of March 20, 1903, the Department returned the record in said case to the Commission for readjudication and further proceedings in the matter of said application were had at Vinita, Indian Territory, on April 25, 1903.

The evidence shows that the applicant, Anna E. Lyons, is duly identified upon the 1880 authenticated roll and the 1896 census roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that the said applicant was born in the Cherokee Nation and resided therein until she was about eleven years of age when, upon the death of her mother, she was taken out of said nation by her father; that she returned to the Cherokee Nation in July, 1900, where she has since continuously resided; and that during the time she was absent from the Cherokee Nation she owned personal property therein.

Cherokee R #773

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D 987, that the said Anna E. Lyons should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 18 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AVLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1028.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Anna E. Lyons for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 2.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1028.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 5, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 20, 1902, rejecting the application of Anna E. Lyons for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 20, 1902.

Respectfully,

Acting Chairman.

BOND BUILDING,

WASHINGTON, D.C., Feb. 11, 1903.

W. W. Hastings, Esq.

Attorney for Dawes Commission.

Sir:-

I desire to inform you that request has this day been made to the Secretary of the Interior for a rehearing in the matter of application of Anna E. Lyons for enrollment as a citizen of the Cherokee Nation.

Respectfully,

Paul R. Anderson

of counsel for Anna E. Lyons

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-773

Muskogee, Indian Territory, April 8, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on March 20, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking further testimony, the application of Anna E. Lyons for enrollment as a citizen of the Cherokee Nation. The applicant and her attorney have this day been notified that any further testimony which they may have to introduce in this case can be presented before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before April 27, 1903.

Respectfully,

GRS

Chairman.

mD9

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-773

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Anna E. Lyons for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Enc. D-41

MDG

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-773.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 18, 1903, granting the application for the enrollment of Anna E. Lyons as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 30, 1904.

Respectfully,

Chairman.

[illegible] 1323

IN THE MATTER OF THE APPLICATION OF

Lina E. Lynn

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of 1/10/01

Supplemental testimony of 1/10/01.

Notice of final consideration, 3/15/02

Order entered in accordance herewith 3/15/02.

Attorney

Cher D 1029

Cher D 1029

FILED
JAN 11 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 10, 1901.

In the matter of the application of John C. Jordan for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T.B.Needles, testified as follows:

Q What is your name? A John C. Jordan.
Q What is your age? A Going on 37.
Q What is your postoffice address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you desire to enroll? A Myself, wife and children.
Q What is the name of your wife? A Elizabeth H.
Q Is she a Cherokee by blood? A No sir.
Q What is her age? A 31.
Q Have you any certificate of marriage? A No sir.
Q What is her age? A Who married you? A Theodore Brewer.
Q He living? A Yes sir, at Vinita.
Q What are the names of your children? A Herbert R.
Q How old is he? A He was born in 1894.
Q Name of the next child? A Roy C.
Q How old is he? A He was born in 1896.
Q These children alive and living with you at this time? A Yes sir, right in town.
Q Your name on the roll of 1880? A Yes sir.
1896 roll; page 39, #1065, John C. Jordan, Canadian district.
1896 roll; page 89, #144, Lizzie H. Jordan, Canadian district.
Q You have another child? A Yes sir, Mason F.; he was born in 1888.
Q Do you want to enroll him? A Yes sir.
1896 roll; page 39, #1066, Mason F. Jordan, Canadian district.
1896 roll; page 39, #1067, Raymond Jordan, Canadian district.
1896 roll; page 39, #1068, Ray Jordan, Canadian district.
Q When were you married? A In 1893.
Q What was your wife's maiden name? A Cox.
Q Is she your first wife? A Second.
Q Was your first wife living when you married her? A Dead.
Q Are you Elizabeth Cox's first husband? A Yes sir.
Q You and her been living together continuously since you married her? A Yes sir.
Q Who was the mother of Mason F.? A Ollie Anna Meyers.
Q Is she a white woman? A Creek; she was really part Cherokee and part Creek. She drew on the Cherokee side.
Q Have you ever applied to have Mason enrolled as a Creek? A I think my brother-in-law did, and filed for him without my consent.
Q Then do you apply for the enrollment of Mason F., to you? A Yes sir.
Q Who was the mother of your other two children, Herbert R. and Roy C.? A She was a Cox.
Q She was a white woman? A Yes sir.
Q Married to her in 1893? A Yes sir.
1894 roll; page 51, #1092, John C. Jordan, Canadian district.
1894 roll; page 51, #1093, Mason Jordan, Canadian district.
Q What was your mother's name? A Louisa.
Q Is she living? A Yes sir.
Q Is she a ~~Cherokee citizen by blood~~ citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Is her name on the roll of 1880? A I think she was in the Choctaw Nation then. We came after that. She was here before then, and went back there.
Q Is she a Choctaw or Cherokee? A She's a Cherokee.
Q What is your father's name? A John W.
Q He living? A Yes sir.
Q Hr

Q He a Cherokee by blood? A Yes sir.
Q His name on the roll of 1880? A I think so.
Q How long have you been living in the Cherokee Nation? A I have never been out except over here, backward and forward.
Q Where backward and forward? A Here and then back in the Cherokee Nation.
Q Where were you born? A Tishomingo, at the close of the war.
Q You never lived outside of the Indian Territory? ANo sir .
Q Do you know that your name is not on the roll of 1880? A No sir, I always thought it was.
Q Did you ever have it examined? A No sir, I always thought it was on the 1880 roll, that is the reason I wasn't in a hurry to be enrolled. I thought I would wait until the ~~[illegible]~~ Dawes Commission came back here. I was living with Mrs. Brackett, and I thought she enrolled me in 1880.
Q Were you living with your mother in 1880? A No sir, my mother was in the Choctaw Nation then.

By Emmet Starr, representative of the Cherokee Nation-
Q Did your mother draw your Cherkee strip money in 1894? A Yes sir, Louisa Crane was her name.

redirect.

Q Her and your father separated? A Yes sir.
Q You know when they were married? A The latter part of the war, during the war sometime.
Q You don't know who married them? A No sir, I don't know. They were married at Fort Gibson.
Q Was your mother a white woman? A She's a Cherokee by blood.
Q When did she die? A She isn't dead yet.

Commissioner- Upon examination of the records of this Commission, it is found that Mason F. Jordan was listed for enrollment as a Creek citizen by blood, and that he has taken his allotment through his guardian, Mr. Ruleason.

By W. W. Hastings-
Q Did you ever live out on what is known as the Cherokee strip?
A No sir, I never did. I have always lived in the Cherokee Nation. My father and brothers lived out there on the strip.

Commissioner Needles-
The name of the applicant John C. Jordan is found upon the Census roll of 1896, and also upon the pay roll of 1894. The name of his averred wife, Elizabeth M., is found upon the Census roll of 1896. The names of his children, Herbert R., Roy C. and Mason F., are duly identified upon the Census roll of 1896 according to page and number of the roll as indicated in the testimony. Upon examination of the rolls, the name of John C. Jordan cannot be found upon the authenticated roll of 1880, neither the name of his mother. The name of his father is found upon the authenticated roll of 1880. No proof is made as to the marriage of his father and mother. Applicant avers that his mother is a Cherokee by blood. The applicant avers that he was married to one Elizabeth M. Cox, a non citizen, in the year 1893, but presents no satisfactory proof of said marriage. The result of said marriage is two children, Herbert R. and Roy C., whose names appear upon the Census roll of 1896. He avers that he has one child, Mason F., by a former wife, whom he avers was a Creek citizen. The name of said Mason F. is found upon the Census roll of 1896 and pay roll of 1894; and upon examination of the records of this Commission, it is found that Mason F. Jordan, through his legal guardian, was listed as a Creek citizen, and has taken his allotment as such. By reason of the facts that the names of said John C. Jordan, or that of his mother, is found upon the authenticated roll of 1880, no satisfactory proof is made as to his citizenship, final judgment as to

the enrollment of himself and his children, Herbert R. and Roy C., as Cherokee citizens by blood, will be suspended, and their names will be placed upon a doubtful card. Application for the enrollment of his son, Mason F. Jordan, will be rejected, for the fact that he has already proved his Creek citizenship. The name of his wife, Elizabeth M. Jordan, will also be placed upon a doubtful card, and final judgment as to her enrollment ~~[illegible]~~ as a Cherokee citizen will be suspended, awaiting satisfactory proof of marriage between her and her said husband, John C., and satisfactory proof of citizenship as to the applicant, John C. Jordan.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 11th day of January, 1901.

Commissioner.

1029

...MENT OF THE B...
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FILED
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S U P P L E M E N T A R Y - T E S T I M O N Y.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., JANUARY 24th, 1901.

IN THE MATTER OF THE APPLICATION OF JOHN W. JORDAN FOR ENROLLMENT AS A CITIZEN OF THE CHEROKEE NATION - D CARD #1029.
John W. Jordan, bwing sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A John W. Jordan.
Q What is your age Mr. Jordan? A I am fifty seven.
Q What is your Postoffice address? A Tulsa.
Q Do you know John C. Jordan? A Yes sir.
Q What relation do you bear to him: Are you his father? A Yes sir.
Q ~~Xxx~~ John C. Jordan applied to be enrolled as a citizen of the Cherokee Nation by blood: His name is not found on the authenticated roll of 1880: Do you know the reason his name is not there? A No sir, I can not imagine: He lived right there at Brushy Mountain with his aunt.
Q Is your name on the roll of 1880? A Yes sir.
Q Was he living with you in 1880? A No sir, he was living with an aunt of his.
Q Do you known Susan B. Jordan? A Yes sir.
Q Was she your wife? A Yes sir.
Q Is she the mother of John C. Jordan? A No sir.
Q Was she his step mother? A Yes sir.
Q Did you ever know any other John W. Jordan besides yourself?
A No sir - there was a John Jordan here, Alex Jordan's son: I think his initials were John M. I am not sure. We used to get our mail mixed up.
Q Do you know R. W. L. Jordan? A Yes sir, he's my son.
Q Did you have a son named T. J. Jordan? A Yes sir, and Thomas L.
A And Thomas L.? A Yes sir.
Q Where was John C. Jordan born? A He was born at Tishomingo.
Q What was his mother's name? A Louisa Falling.
Q Was she a Cherokee by blood? A Yes sir.
Q Did she die before 1880? A She's living yet.
Q What would her name have been in 1880? A Louisa Grain.

By Mr. J. L. Baugh, Cherokee Representative:
Q Was she married to you before 1880? A No sir.
Q Is she the mother of this young man, John C.? A Yes sir.
Q You and her were not lawfully married? A We was not lawfully married.
Q She was a Cherokee herself though, was she not? A Yes sir.
Q Did this John C. Jordan go to the Choctaw Nation with his mother?
A No sir, Tom Bracket's wife raised him here at Brushy Mountain.
Q When you enrolled yourself and family in 1880, did you enroll this boy, John C.? A No sir.
Q Why? A He was not living with me: He was living with his aunt. She had full controll of him.
Q Mrs. Brackett? A Yes sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of January, 1901.

COMMISSIONER.

D 1029

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 1901

S U P P L E M E N T A L - T E S T I M O N Y.

C A R D "D" #1029.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 20th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF John C. Jordan et al as citizens of the Cherokee Nation; Card "D" #1029.

MARGARET BRACKET, being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A Margaret Bracket.
Q What is your age? A Will be seventy three in April.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know John C. Jordan? A Yes, sir.
Q What relation does he bear to you? A Well; I raised him.
Q Did you know his mother? A Yes, sir.
Q Who was his mother? A Her name was Thompson; her name now is Crane; Louisa Crane.

Q Is this John C. Jordan any relation of yours? A Yes, sir; he is a distant relative of mine.
Q Was he living with you in 1880? A I think he was; I am sure he was.
Q Do you know whether he was enrolled in 1880 or not?
A I think I enrolled him; I am so forgetful I don't remember.
Q You were enrolled yourself? A Yes, sir.
Q Is his mother living at this time? A I think she is; yes, sir.
Q What name did you register him by; do you recollect?
A I think by his name, John Jordan.
Q We find on the roll of 1880 a John W. Jordan; was that his fathers name? A His name was John; I don't know his middle name; what initial it was.
Q You recollect that you enrolled him?
A Yes, sir; he was there with me and I must have enrolled him.
Q You raised him? A I raised him; yes, sir.
Q Do you recollect about how old he was at that time?
A Well; he must have been eleven or twelve - somewhere along there; I don't remember.
Q Was his mother a Cherokee? A Yes, sir.
Q By blood? A By blood.
Q What district did you register in? A Canadian District.

John W. Jordan identified on the Authenticated Roll of 1880 of citizens of the Cherokee Nation as follows:
Page 27, #763, John W. Jordan, Canadian District.

Q You do not know whether his mother registered him or not?
A She was in the Choctaw Nation at that time.

Com'r. T. B. Needles: The name of John W. Jordan is found upon the authenticated roll of 1880, according to the page and number as indicated in the testimony. From the evidence taken, the Commission is satisfied that the John W. Jordan mentioned above is the identical John C. Jordan who applies for enrollment as a Cherokee citizen by blood, and whose name appears on ~~Field Card~~ Doubtful Card #1029; satisfactory proof has been made as to his residence and as to his Cherokee blood and citizenship; consequently John C. Jordan and his two children, Herbert R. and Roy C., whose names appear upon the census roll of 1896 according to the page and number of the rolls as indicated ~~in the~~ Field Card "D" #1029, will be duly listed for enrollment as Cherokee citizens by blood, and his wife Elizabeth M. Jordan as a Cherokee citizen by intermarriage.

"D" #1029.

--0--

The undersigned being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Franks

Subscribed and sworn to before me this 20th day of Febuary, A. D., 1901.

COMMISSIONER.

COMMISSIONER OF THE INTERIOR
FILED
JUN 20 1902
ACTING CHAIRMAN

Cherokee D-1020.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 19, 1902.

In the matter of the application of John C. Jordan for the enrollment of himself and children as citizens by blood of the Cherokee Nation, and for the enrollment of his wife as a citizen by intermarriage of the Cherokee Nation.

Statement.

Upon examination of the authenticated Cherokee roll of 1880 the applicant is identified thereon on page 27, No. 763, as John W. Jordan, Canadian District, aged at that time seventeen years. He is identified in the family of his father, John W. Jordan, R. E. L. Jordan, T. J. Jordan and J. L. Jordan.

It is directed that copies of the above statement be filed with and made a part of the record in the matter of the application of John C. Jordan et al. for enrollment as citizens of the Cherokee Nation.

Commissioner.

provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGN) T. B. Needles.
Commissioner.

(SIGN) C. R. Breckinridge.
Commissioner.

(SIGN) M. F. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this JUN 1 - 1903

Cherokee D. 7024.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John C. Jordan et al as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 10, 1901, John C. Jordan appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Herbert R. and Roy C. Jordan, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January [illegible], 1901, January [illegible], 1901, and at Vinita, Indian Territory, on [illegible] 1, 1903. The application included his wife, Elizabeth H. Jordan, by enrollment as a citizen by intermarriage of the Cherokee Nation, but the right to do so was not passed upon at that time and [illegible] was not a party to this decision.

The evidence shows that John C. Jordan is a Cherokee citizen by blood and was legally married to his wife, Elizabeth H., on [illegible] 6, 1897. As a result of that marriage the other applicants, Herbert R. and Roy C. Jordan, were born. John C. Jordan has identified as a Cherokee allotted roll of land, the Cherokee strict payment roll and the Cherokee census roll of 1896. Herbert R. and Roy C. Jordan are identified on the Cherokee census roll of 1896.

The evidence further shows that John C. Jordan has lived in the Cherokee Nation, Indian Territory, all his life; the other applicants have also lived in the Cherokee Nation and Indian Territory all their lives, and were resident thereof on [illegible].

It is, therefore, the opinion of this Commission that John C. Jordan, Herbert R. Jordan and Roy C. Jordan should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the

Cherokee D-1029.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Elizabeth M. Jordan, as a citizen by intermarriage of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on June 10, 1901, John C. Jordan appeared before this Commission, at Muskogee, Indian Territory, and made application, among others, for the enrollment of his wife, Elizabeth M. Jordan, as a citizen by intermarriage of the Cherokee Nation.

The evidence herein shows that said applicant died September 28, 1901.

Section 28 of the Act of Congress approved July 1, 1902, (32 Stats., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed upon said roll by the Commission to the Five Civilized Tribes."

It is therefore the opinion of this Commission that the application made for the enrollment of Elizabeth M. Jordan, as a citizen by intermarriage of the Cherokee Nation, should be dismissed, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tams Bixby.

Chairman.

Muskogee, Indian Territory,

MAR 2 1905

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1029.

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of John C. Jordan for the enrollment of himself and his two minor children, Herbert R. and Roy C. Jordan, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. H-27.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

D 610

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1029.

Muskogee, Indian Territory, March 14, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 14, 1905, dismissing the application for the enrollment of Elizabeth M. Jordan as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Chairman.

Incl. S-94.

Enc C 104

D 1029

IN THE MATTER OF THE APPLICATION OF

Chas. E. Gadson et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Note: Transferred to Cherokee 10276, and

A. Original testimony of 1/10/01

B. Memo. of Application of 1/10/01

C. Supplementary testimony of 1/24/01.

D. Supplementary testimony of 2/20/01

E. Marriage license & card certificate

DISMISSED

Dec. Commissioner

D 187

Cher D 1030

Cher D 1030

D1030

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 17 1901

CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 11th, 1901.

In the matter of the application of John A. Timberlake for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Timberlake being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A John A. Timberlake.
Q How old are you? A I am 41 years old.
Q What is your post office? A Muskogee.
Q In what district do you live? A Canadian, I am living here in Muskogee now.
Q Canadian is what you claim as your home? A Yes, sir.
Q Who is it you want to have enrolled, just yourself or a family? A Family.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q What is your wife, white woman? A Yes, sir.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q Have you claimed that as your home all your life? A Yes, sir.
Q Have you lived there all your life except wince you have been living here in Muskogee? A No, sir. I lived out of the country about 14 years.
Q Where have you lived? A Out in the West, in the Panhandle of Texas, Wyoming and Colorado.
Q What were you doing out there? A Running cattle? A I come here in 1894.
Q Were you a single man all that time? A Yes, sir.
Q You did not make your home anywhere while you were outside? A No, sir.
Q Did you vote out there? A No, sir.
Q You did not exercise the right of citizenship in any of those countries? A No, sir, I claimed my citizenship in the Cherokee Nation. I would have voted in Texas once if they would let me.
Q Why would you have voted? A I just took a notion I wanted to vote.
Q How long did you stay down there in Texas? A I was there two years.
Q Were you in the cattle business or farming down there? A I worked on the railroad section.
Q You did not have a family during any of that time? A Yes, sir, I come here in 1894 and married and then went back.
Q And then went down in Texas and were doing railroad work? A Yes, sir.
Q You married here in 1894, and took your wife down in Texas with you? A Yes, sir.
Q Where did you keep house down there? A Near Ross.
Q Then you came back here in 1896? A Yes, sir.
Q Have you lived here ever wince that? A Yes, sir? A II married here in 1894 and we went down there.
Q You did not stay here long in 1894, you went back to Texas? A I went that same year.
Q Did you take any of your household effects with you down to Texas? A No, sir.
Q Did you have any to take? A No, sir.
Q Now, where have you lived since you came back in 1896? A In Canadian district until last February we came to Town here.
Q You lived in Canadian district until last February? A Yes, sir.
Q What are you doing here in town? A I am running a little restaurant, lunch stand.

Q Have you got your family here with you? A Yes, sir.
Q Keeping house here? A Yes, sir.
Q Do you vote over here? A , No; I expect to vote next Spring if I am living.
Q On the Creek Nation? A Yes, sir, in the City election.
Q Do you expect to vote here and vote over in Canadian district too? A Yes, sir.
Q Do both? A Yes, sir.
Q Do they allow you to vote where ever you please? A I do not know. The Canadian district is the only place I ever did vote.
Q And you tried to vote in Texas and you expect to vote here? A (No response.)
Q Are you keeping house here? A Yes, sir. They let these other Cherokees vote here in the City election, I guess they will let me.
Q What interests have you in Canadian district? A Nothing only what every other Cherokee by blood has.
Q That is you claim as a citizen? A Yes, sir.
Q No claim nointerests over there? A No, sir, I had a little place; I sold it a while back.
Q How long did you own that? A About a year.
Q Is that the only improved property you ever had there? A Yes, sir, except what belonged to us children. xxxx
Q What property did you have an interest ~~there~~ in there as a member of your family? A Just a little place.
Q The old home place? A No, I was born right out here at Boose Neck Bend, on what is known as the Nicholson place.
Q You had an interest in that as one of the heirs of your father? A Yes, sir.
Q When did you family part with that? A About 23 years ago, I guess, I was just a little fellow at the time.
Q And then you were not interested in any other property until you acquired this property that you sold a few months ago? A No, sir.
Q Give me the name of your wife? A Laura.
Q How old is she? A 25 years old, I think now.
Q Give me the name of your father? A Richard.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Kate, she was a Cheak.
Q Is she dead? A Yes, sir.
Q When did you marry your wife? A '94, June 7th.
Q Were you ever married except to her? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Has she lived with you ever since you and she were married? A Yes, sir.
Q Have you a certificate of your marriage? A Yes, sir.
Q Your wife has a "B" in her name? A Yes, sir.
Q She was a Box when you married her? A Yes, sir.

Com'r:--The applicant presents a certificate showing that he and his wife were united in marriage on June 7th, 1894, by the Rev. William P. Pitkin. This is filed herewith.

Q Give me the name of your child? A Florence N.
Q How old is that child? A She will be six years old the 14th of May.
Q Do you want your wife put down as Laura B.? A Yes, sir.

1880 Roll; page 51, #1394, John Timberlake, Canadian.
1896 Roll; page 74, #2062, John Timberlake, Cna dian.
1896 Roll; page 95, #325, Laura Timberlake, Canadian.
1896 Roll; page 74, #2063, Florence Timberlake, Canadian.

Q This child is living now is she? A Yes, sir.
Q Where was this child born? A She was born in Texas.

John A. Timberlake--3.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one child: He states that he is a native of the Cherokee and has lived in the Cherokee all his life, except for 14 years prior to 1894, when, as a single man, he was employed about cattle in different sections of the country outside of the Indian Territory. He married in 1894 and within the same year went to the State of Texas where he took his wife and engaged in railroad work and remained there for about two years, when he returned to the Cherokee Nation in 1896, and lived there until February of the past year when he moved with his family to Muskogee, in the Creek Nation, where he has since lived, and is engaged in business. He will be listed for enrollment as a Cherokee by blood on a doubtful card for the further consideration of the matter of his residence and citizenship as set forth in the testimony. His wife is shown to have married him in 1894. Neither was previously married. She is a white woman. They have lived together ever since their marriage and she will now be listed for enrollment as a Cherokee by adoption, on a doubtful card to await the decision of the rights of her husband. The child, Florence Timberlake, is duly identified on the roll of 1896. She is living and will be listed for enrollment as a Cherokee by blood on a doubtful card to await the decision relating to the rights of her father.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 12th day of January, 1901.

C A Mc Ilie

Commissioner.

Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15, 1906.

SUPPLEMENTAL TESTIMONY in support of application in the matter of the application of John A. Tumbaloke for the enrollment of himself, wife and child as Choctaw citizens.

Appearances:
Applicant present in person;
W. W. Hastings, attorney for [illegible] Nation.

BY COMMISSION: The application was filed by registered letter February 27th, 1906, the [illegible] for the enrollment of himself, his wife and child as Choctaw [illegible] should be taken for final consideration [illegible] at the offices in Muskogee, Indian Territory, on [illegible] 15th day of March, 1906. Receipt has been acknowledged of the Commission's letter and the applicant this day to-wit: the 15th day of March, 1906, appears in person.

JOHN A. TUMBALOKE, being first duly sworn and being examined testified as follows:

[illegible]

Q What is your name?
A. John A. Tumbaloke.
Q How old are you and where do you live?
[illegible]
Q What is your post-office address?
A. [illegible] Indian Territory.
Q Are you married or single?
A. Married.
Q Have you any children living?
A. Yes, sir.
Q How many children have you living?
A. [illegible]
Q What is your wife's name?
A. [illegible]
Q Is your wife living?
A. Yes, sir.
Q Do you desire to have the Commission for final decision your application?
A. Yes, sir.

[illegible] the testimony of the witness [illegible] is found and is hereby certified to the Commission for final decision based upon the evidence here [illegible].

W. W. Hastings, in hereby certifying that he is stenographer to the Commission to the Five Civilized Tribes, does correctly record the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

R

C. D-1030

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John A. Timberlake for the enrollment of himself, wife and child as Cherokee citizens.

Appearances:
Applicant present in person;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of himself as wife and child as Cherokee citizens would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 15th day of March,1902. Receipt has been acknowledged of the Commission's letter and the applicant this day to-wit: the 15th day of March,1902, appears in person .

JOHN A. TIMBERLAKE, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A J.A.Timberlake.
Q How old are you? A 42 now.
Q What is your post-office address? A Muskogee.
Q You have heretofore applied for yourself, wife and children as citizens of the Cherokee Nation? A Yes sir.
Q Is there any statement you desire to make relative to your application and that of your wife and child? A No.
Q Do you submit the case to the Commission for final decision? A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

I enclose herewith copies of proofs of claims of Jesse Ward, Jane Ward, Lucinda Ward, Mary Ward, Lucinda Ward, Mary Ward, Jesse Ward, Jr., and Jesse Ward, Jr., as guardian for

Cherokee D-1050.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1902.

In the matter of the application of John A. Timberlake for the enrollment of himself and child, Florence N. Timberlake, as citizens by blood, and for the enrollment of his wife, Laura B. Timberlake, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A John A. Timberlake.
Q What is your postoffice address? A Muskogee.
Q What is your age? A Forty-two.
Q Are you an applicant for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Laura B.; she is a white woman.
Q Is she an applicant for enrollment as an intermarried citizen? A Yes sir.
Q When were you married to your wife, Laura B.? A In June 7, 1895.
Q Have you filed your marriage license and certificate? A Yes sir, the Dawes Commission has that.
Q Were you ever married before you married this woman? A No sir.
Q Was she ever married before you married this woman? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Have you and she lived together ever since your marriage up until the present time? A Yes sir.
Q Never separated? A No sir.
Q Living together on the first day of September, 1902, as husband and wife? A Yes sir, all the time.
Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation.
Q Lived in the Cherokee Nation all the time until you came to Muskogee? A Not all the time. When I was a young fellow I went to Texas and run cattle.
Q When did you go to Texas? A In '80.
Q When did you come back to the Cherokee Nation? A I come back in February, '95. I was gone about fourteen years.
Q You never were readmitted after you came back were you? A No sir, I didn't make any application to be readmitted; I talked with Judge Lowrey, he said "you are not looked on as one that forfeited your rights."
Q Have you lived in the Indian Territory since '95 up until the present time? A All except one year I went to Texas and then come back.
Q Did you take your wife with you when you went to Texas? A Yes sir, we lived down there.
Q When did you go to Texas the last time? A In the winter of '95.
Q When did you come back? A Come back in the time of '96, at the time they revised the Cherokee roll.
Q Have you been back here in the Indian Territory since '96 you and your wife both? A Yes sir.
Q Where was this child Florence born? A In Texas.
Q And she came back with you in '96 did she? A Yes sir.
Q Has she been here all the time since? A Yes sir.
Q Is your wife and child both living now? A Yes sir.
Q When you left here and went away in '95 did you go to Texas for the purpose of making that your home? A Not exactly, no sir, I couldn't say I did, I went there to work.
Q What kind of work were you doing? A I was beginning work on the Railroad, and I did some track work besides.
Q All the time you were in Texas that last trip you worked on a railroad? A Yes sir.
Q And you have been here continuously now from 1896 up until the present time? A Yes sir'

B-John A. Timberlake et al.

Q. You and your wife both, and child? A. Yes sir, have lived in the Cherokee Nation close to where I was born at Goosebeck Bend until I moved to town.
Q. When did you move to town? A. Close to three years since I moved to town.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 28th day of November, 1902.

B. O. Jones
Notary Public.

Cherokee D-1030.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Timberlake for enrollment of himself and his daughter, Florence E. Timberlake, as citizens by blood of the Cherokee Nation, and for enrollment of his wife, Laura E. Timberlake, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 11, 1901, John A. Timberlake appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment of himself and his daughter, Florence E. Timberlake, as citizens by blood of the Cherokee Nation, and for enrollment of his wife, Laura E. Timberlake, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, [illegible], October [illegible], 1902.

The evidence shows that the applicant, John A. Timberlake, is a Cherokee by blood; that he is identified on the last authenticated roll of the Cherokee Nation and on the 1896 census roll; that on June 7, 1896, he was legally married in marriage with Laura E. Fox; that his wife, Laura E., and his daughter, Florence E. Timberlake, are also identified on the 1896 census roll.

The evidence further shows that John A. Timberlake has lived in the Cherokee Nation continuously since 1896, and that the said wife, Laura E. Timberlake, has lived with him in said nation since that time. The minor child, Florence E. Timberlake, has resided continuously since birth with her said parents.

It is, therefore, the opinion of this Commission that the applicant, John A. Timberlake, and his daughter, Florence E. Timberlake, should be enrolled as citizens by blood of the Cherokee Nation, and that Laura E. Timberlake should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Tams Bixby, Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 2 1903

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. F. STANLEY
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-1030

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of John A. Timberlake for the enrollment of himself and his daughter, Florence N. Timberlake, as citizens by blood, and for the enrollment of his wife, Laura B. Timberlake, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. M-21

Recorded.

IN THE MATTER OF THE APPLICATION OF

John A. Sinclair et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(A) Original testimony of 1/11/01.
(B) Memo. of application of 1/11/01.
(C) Certificate of marriage.
D. Notice of final consideration, 3/15/02
E. Order closing testimony, 3/15/02

Cher D 1031

Cher D 1031

DEPARTMENT OF THE IN
COMMISSION TO THE FIVE C
FILED
JAN 17 1901

DOUBTFUL, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 11th, 1901.

In the matter of the application of Rufus B. Cobb for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Cobb being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Bent Cobb is the way I sign my name; R. B. is my full name.
Q What is the R. for? A Rufus.
Q How old are you? A I am 51.
Q What is your post office? A Muskogee.
Q In what district in the Cherokee Nation do you live? A I live in Muskogee now, temporarily, my home is in Canadian.
Q You claim Canadian as your home? A I claim Ceoweescoowee now. I have lived in Canadian for 20 years.
Q If you were going to vote in the Cherokee Nation in what district would you vote? A Canadian.
Q You want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Seven.
Q Are these children all under 21 years of age and unmarried? A Yes, sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q And your wife, is she a white woman? A Cherokee by blood.
Q Are you a native of the Cherokee Nation? A Yes, sir; I was born in Georgia, came here in '56.
Q You have lived here ever since 1856? A Yes, sir, except when I was single in time of the War.
Q You are on the 1880 roll I guess? A Yes, sir, I guess so.
Q Have you lived continuously in the Cherokee Nation ever since 1880 except while you were living here? A Yes, sir.
Q How long have you lived in Muskogee? A I have been off about two years in the Chickasaw Nation. I have been here about 12 years.
Q What business are you engaged in here? A I have been working at the jail, working as a guard.
Q You have been making this your home for the past ten years? A Yes, sir.
Q Have you been an officer during the whole of the ten years? A Yes, sir, I have been a policeman all the time up until last year.
Q How much of this time have you been in the United States service? A All of it except about a year, since this new Agent come in I have been let off the force.
Q For some nine years out of the ten you have been in the United States service? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since 1856 with the exception of the time you were out during the War and living at Muskogee? A I have been working in cattle out West and in the Creek Nation all the time I was single I never made my home anywhere.
Q When were you married? A 1880.
Q Have you been making your home in the Cherokee Nation ever since 1880 with the exception of these 12 years? A Yes, sir.
Q And you have been in the service of the United States Government with the exception of the past year? A Yes, sir.
Q And now you are a guard at the Jail? A Yes, sir.
Q And that is still in the United States service? A Yes, sir.
Q Have you had property in the Cherokee Nation all the time? A Yes, sir.

Q Have you voted all the time in the Cherokee Nation? A All the time except this last election.
Q Why, not becau se you had lost your right in the Cherokee Nation? A No, sir, it was because I was sore on the way they were doing and did not take any stock in it.
Q Have you had a farm in the Cherokee Nation all the time during these past 12 years? A Yes, sir.
Q Have you voted here in the Creek Nation? A Only in Town officers
Q For any other position? A No, sir.
Q Give me the full name of your wife? A Mary E. Cobb.
Q How old is she? A She is something like, she don't know her age, she is somewhere between 39 and 40.
Q Have you got a certificate of your marriage? A Yes, sir.
Q Let me see it? A I have not got it with me, it is at home.
Q Was she ever married except to you? A No, sir.
Q Were you ever married except to her? A No, sir.
Q Give me the name of her father? A Her father was John Kell.
Q Is he dead? A Yes, sir, supposed to be.
Q Give me the name of her mother? A I do not know her mother.
Q She is dead as far as you know? A Yes, sir, she died during the past three or four years.
Q Your wife's maiden name was Kell? A Yes, sir.
Q Now, the children, you have a memorandum of them here? A Yes, sir.
Q The oldest one is Simpson C.? A Yes, sir.
Q Your child, Simpson, is about 17 years old? A Yes, sir.
Q Then Susie A., she is 15? A Yes, sir.
Q Bennie Cobb, no middle name? A No, sir.
Q That is Bennie or abbreviation for Benjamin? A Yes, sir.
Q Bejamin is 13 years old? A Yes, sir.
Q Edith M., she is 11 years old? A Yes, sir.
Q And Grover C., his 9 years old? A Yes, sir.
Q Ula E., she is six years old? A Yes, sir.
Q Mary? A Yes, sir.
Q She is one year old? A No, sir, two years old.
Q Mr. Cobb, give me the name of your father? A Jack Cobb.
Q Is he dead? A Yes, sir, died in '61.
Q Give me the name of your mother? A Susan Cobb.
Q Is she dead? A Yes, sir.
Applicant:--I would not be positive whether I am on the 1880 roll of not, I might have been away at that time.
Q Did you have a brother named Howell? A Yes, sir.
Q Is he dead now? A No, sir, he is in the penitentiary.
Q Was he your full brother? A Yes, sir, so far as I know
Q Have you any reason to doubt his being your full brother? A No, sir.
1880 Roll; page 11, #286, Hornell Cobb, Canadian.
Q Were your people admitted to citizenship by the Cherokee Commission in 1856? A I could not tell you, I was a little fellow and could not tell you anything about it.
Q Mr. Cobb, did your father and mother both die in the Cherokee Nation? A Yes, sir.
Q When were you and your wife married? A We was married in 1880.
Q Now, before 1880 where did you make your home principally between that time? A I run cattle most of the time in Texas, working on the trail.
Q Did you vot down there? A No, sir.
Q Did not exercise the right of ci tizenship down there? A No, sir.

Rufus B. Cobb--3.

I was not in one place long enough to vote anywhere.
Q You were just working for wages? A Yes, sir.
Q Did you have any property interests back here at that time? A No, sir, not at that time.

1880 Roll; page 28, #770, Mary Kell, Canadian.
1896 Roll; page 14, #394, Bent Cobb, Canadian.
1896 Roll; page 14, #395, Mary E. Cobb, Canadian.
1896 Roll; page 14, #396, Simpson Cobb, Canadian.
1896 Roll; page 14, #397, Susan Cobb, Canadian.
1896 Roll; page 14, #398, Benjamin Cobb, Canadian.
1896 Roll; page 14, #399, Edith Cobb, Canadian.
1896 Roll; page 14, #400, Grover C. Cobb, Canadian.
1896 Roll; page 14, #401, Eulier Cobb, Canadian.

Com'r Breckinridge:--The applicant applies for the enrollment o f himself, his wife and seven chi ldren: He states that he has lived in the Cherokee Nation since 1856 having come from the State of Georgia, except that down to 1880 he was to a large extent absent from the Nation looking after cattle and in similar employment being at that time a single man, and that he did not exercise the right of citizenship during that period outside of the Cherokee Nation. He is not identified on the ro ll of 1880, but a brother of his is identified on that roll. The applicant not stating very definitely the action of his not being upon that roll. He states that he was married in 1880 and has lived in the Cherokee Nation ever since, except during the past 12 years when he has lived in the Town of Muskogee, in the Creek Nation. During some 11 years of which time has, however, been in the employment of the United States Government and is in that employment now as a guard at the United States Jail. He claims that during this period of residence i n Muskogee he has had property interests in the Cherokee Nation and has continued to vote in the Cherokee Nation and has not voted in the Creek Nation except Municipal elections in the town of Muskogee. For the further consideration of the omission of the applicant's name from the roll of 1880 and of any effect that there may be upon his citizenship of voting at all in the Creek Nation, he will now be listed for enrollment as a Cherokee by blood on a doubtful card and the final decision of the Commission will be made known to him at his post office address. In the absence of further explanation of his omissi on from the roll of 1880, he is desired if practicable to supply the Commission with an official copy of the record of the Cherokee council admitting his father and mother to Cherokee citizen ship.

As for the applicant's wife; she is identified on the rolls of 1880 and 1896 as a native Cherokee. Her residence in the Cherokee Nation has been continuous since 1880 with the exception of her residenc with her husband under the conditions stated in Muskogee. This is not considered to have impaired in any way her rights to Cherokee citizenship under the conditions stated and she will be listed for enrollment as a Cherokee by blood.

Of the children named in the testimony the first six are duly identified on the roll of 1896. They are all minors and are living now and they will be listed for enrollment as Cherokees by blood. When a certificate of birth is supplied for the youngest child, Mary E. Cobb, this child also will be listed for enrollment as a Cherokee by blood.

The Applicant is desired to supply the Commission with a copy of his certificate of marriage as further evidence in the change of name of his wife, which is deemed desirable but not essential, as she is duly identified with her children on the roll of 1896.

Rufus B. Cobb--4.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 12th day of January, 1901.

C T Merrill

Commissioner.

1031

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 16 1901

ACTING CHAIRMAN

D - 1031.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 12, 1901.

In the matter of the application of Rufus B. Cobb.

Supplementary testimony.

Witness, Walter S. Agner, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Walter S. Agner.
Q What is your age? A 58.
Q What is your postoffice address? A Muskogee.

W. W. Hastings examines the witness introduced by the applicant-
Q Where do you live? A My home is in Canadian district, Cherokee Nation.
Q How long have you lived there? A I lived in Canadian thirty years, I reckon.
Q You know Rufus B. Cobb? A Yes sir.
Q How long have you known him? A I didn't know him by name. I have known him for twenty odd years, nearly thirty.
Q How far have you lived from him during that time. He lived with me a part of the time, and we lived right here together all the time.
Q You know what his citizenship is? A Yes sir.
Q What is it? A Cherokee.
Q Has there ever been any dispute about his citizenship? A No sir.
Q What relation, if any, id he to Howell Cobb? A A brother.
Q You know whether he is a full brother or not? A I don't know, there are two families of children. There are some sister's children. I think Ben and Howell were full brothers.
Q They had the same father? A Yes sir, they were sister's children.
Q If they were sister's children; one was a Cherokee, the other would be also? A Yes sir.
Q The one has as much Cherokee blood as the other? A Yes sir, they are the same; they are sister's children.

Commissioner-
Q What was his mother- a Cherokee? A Yes sir; I think my wife's the oldest sister, and only a half sister to him.
Q A half sister to Ben Howell? A Yes sir. Their parents died in '59 or '60. They were turned lose as orphan children. They were raised by Bennett's. When I married his sister, he stopped some with me. His name fails to show up on the roll of 188 , and I just wanted to state this. Along in the spring of 1880, like some other men, he concluded to go west, and got on his ~~pony~~ own pony and struck out to Texas, and we heard of him during the summer at Henrietta. He would write back to us. In the following fall, he come back and married. He was gone about that space of time; that was the year the roll of 1880 was made. I knew he was not on the roll of 1880 all the time. I told my wife I knew he left that time.
Q You say his father and mother died in '59 or '60? A Yes sir.
Q Where? A Fort Gibson.
Q Cherokee Nation? A Yes sir.
Q Was his father a white man or Cherokee? A White man.
Q His mother was a Cherokee? A Yes sir.
Q What degree of blood was she? A She was about one-sixteenth; might have been more, not less than a sixteenth.

By W.W.Hastings-
Q There wasn't any dispute about her citizenship? A No sir, never.

~~************~~

B- R.B.C.

Commissioner-
Q His brother was placed on the roll of 1880? A I expect the most of them; all of them except him.
Q His brothers and sisters were on the roll of 1880? A Yes sir.
Q The reason he wasn't on the roll, was because he was absent in Texas when he was a boy? A Yes sir.

Witness, Henry C. Lowry, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Henry C. Lowry.
Q What is your age? A 52.
Q What is your postoffice? A Muskogee.
Q You a citizen of the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You know the applicant, Rufus B. Cobb, here? A Yes sir.
Q How long have you known him? A I couldn't state exactly, about thirty years.
Q You know his father and mother? A No sir.
Q You know whether he's a Cherokee citizen by blood? A He is considered a Cherokee citizen, and always has been.
Q You know why his name was not on the roll of 1880? A No sir, unless he was out on a Railroad. He was out on a Railroad a good deal at that time.
Q You know his brother? A Yes sir.
Q Were they always recognized as Cherokees? A Yes sir.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 14th day of January, 1901.

Commissioner.

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20 1902
ACTING CHAIRMAN.

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C. D-1031

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Rufus B. Cobb for the enrollment of himself as a Cherokee citizen.

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee Indian Territory, on the 15th day of March,1902. Applicant this day, to-wit: the 15th day of March,1902, appears in person and submits his case to the Commission for final consideration. The representative of the Cherokee Nation likewise submits the case. Same is now deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1902

Chero. D-1231.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 17, 1902.

In the matter of the application of Rufus B. Cobb for enrollment as a citizen by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q Your name is Rufus B. Cobb? A Yes sir.
Q Your postoffice address is Muskogee? A Yes sir.
Q Mr. Cobb, how often have you drawn money here in the Cherokee Nation? A I have drawn money every payment that was made. By the regular payments I drawed only twice.
Q Did you draw the strip money at the regular payment in 1894? A Yes sir, and I drawed the grass money; I drew it at Webbers Falls; and the other money was appropriated to me by the council; I was in Texas then; I believe it was $45.00.

The 1894 pay roll of the Cherokee Nation examined and the name of Bent Cobb appears thereon in Canadian District, page 19, No. 437.

Q Did you draw the money in 1890 at the regular payment? A Yes sir, $13.55 I believe it was.

Applicant isaaac identified on the Cherokee roll of 1880 on page 206, in Canadian District, as Bent Cobb.

Q Have you ever made your home outside of the Cherokee Nation?
A Yes sir, before I was married I was in Texas a good deal.
Q When were you married? A I was married in 1880.
Q Where have you been living since that time? A Been living here in Muskogee since that time, been in the employment of the Government.
Q Have you always exercise the right of suffrage in the Cherokee Nation? A Yes sir, always voted, etc.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rothenberger

Subscribed and sworn to before me this 23rd day of June, 1902.

[illegible]
Notary Public.

Cherokee D-1081.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rufus B. Cobb for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 11, 1901, Rufus B. Cobb appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 12, 1901, June 17, 1902 and October 24, 1902. The other parties to the application have been differently classified, and are not embraced in this decision.

The evidence shows that the applicant derives his Cherokee blood through his mother, Susan Cobb; who was a native Cherokee; and that he is identified as such on the 1896 Cherokee census roll, and his brother, Hornell Cobb, is identified as a Cherokee by blood on the 1880 authenticated roll of the Cherokee Nation. The applicant is further identified on the following Cherokee pay rolls: on the 1883 roll, as Benjamon Coob and on the 1886, 1890 and 1894 rolls as Dent Cobb.

The evidence further shows that Rufus B. Cobb has resided continuously in the Indian Territory since 1880, and was a resident therein on the date of this application.

It is, therefore, the opinion of this Commission that Rufus B. Cobb should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.

Acting Chairman.

T. B. Needles

Commissioner.

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

TAMS BIXBY
THOMAS B. NEFF
C. R. BRECKINRIDGE
W. F. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1081

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Rufus B. Cobb for the enrollment of himself as a citizen of the Cherokee Nation by blood.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. M-320

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 17 1901.

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 12th, 1901.

In the matter of the application of Reuben A. Evans for enrollment as a citizen of the Cherokee Nation; said Evans being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Reuben A. Evans.
Q What is your age, Mr. Evans? A 50 years old.
Q What is yourpost office address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A I want to enroll myself
Q your wife? A No, she is on the roll.
Q Just yourself? A Yes, sir.
Com'r:--Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Alice Carter, a citizen of the Cherokee Nation, on the 26th day of March, 1883.
Q Is that her first name? A No, sir, she was married in California before that.
Q What was her name in 1880? A She married a man in California and she come back here and took her old indian name.
Q That was her original name in the first place.
Q Is Alice Carter your first wife? A No, sir.
Q Was your first wife living when you married her? A She was living but I was divorced and she was married to another man.
Q Have you any copy of that divorce? A No, sir, she got the divorc
Applicant: I don't expect she is on the roll of 1880 for I expect that is the year she came back from California; she drawed old Settler money in '51, her mammy did for her.
Q Do you know whether she was ever re-admitted to Cherokee citizenship or not? A I do not know. You have got her here on the roll; this roll I am trying to get on; she is already enrolled her and my boy.
Q What name would she be enrolled by? A Alice Evans.
Q Was your wife,s first husband named Boyenton? A Yes, sir.
Q She was divorced from him? A Yes, sir.
Q Then she assumed the name of Carter which was her maiden name? A Yes, sir.
Q Is the Alice Boyenton who is on the roll of 1880, who you claim to be your wife and was married as Alice Carter? A Yes, sir.
1880 Roll; page 7, #182, Alice Boyenton, Canadian.
Q As I understand now you were divorced from your first wife? A Yes, sir.
Q And she was divorced from her first husband? A Yes, sir; that is I suppose; as far as my wife is concerned I do not know; she wrote here to me and sent me the papers here to sign up and I went back down there a year or two afterwards and she was married.
Q Where were you divorced? A That is all the divorce papers I have, she sent the papers here to get them signed and was divorced in Texas.
Q And your wife then was divorced in California? A Yes, sir.
Q Have you lived continuously with your wife, Alice, since 1883? A Yes, sir.
Q Living with her now? A Yes, sir.
1896 Roll; page 87, #77, Reuben A. Evans, Canadian.

Reuben A. Evans--2.

Com'r Needles:--The name of Reuben A. Evans is found upon the census roll of 1896, and he presents satisfactory proof of his marriage to one Alice Carter, a citizen of the Cherokee Nation, in the year 1883. The certificate of marriage is filed herewith. He avers that his wife was formerly married to one Boyenton, and her name appears upon the authenticated roll of 1880 as Alice Boyenton. She is duly identified as the Alice Carter to whom the applicant is married.
(Q Do you live in the Cherokee Nation now? A Yes, sir, I have a ranch in Texas and go backwards and forwards.
Q You have property here? A Yes, sir, I live here.)
Satisfactory proof is made as to his residence. He avers in his testimony that he was divorced from his former wife and his present wife was divorced from a former husband. He is duly identified, consequently he will be listed for enrollment as a Cherokee citizen by intermarriage, upon the condition that he file with this Commission satisfactory proof of his divorce from his former wife and the divorce of his present wife from her former husband.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 14th day of January, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 12 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

JAN 12 1901

Date ..... 1900.

Name Reuben A. Evans Muskogee, I.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen Yes

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District CANADIAN Year 1896 Page 87 No. 77

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Evidence of divorce of applicant from first wife required
" " " " present wife " " former husband
required

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 12 1901
ACTING CHAIRMAN.

29632

EXECUTIVE DEPARTMENT

CHEROKEE NATION.

TAHLEQUAH, IND. TER.

June 6,19oo

I hereby certify that the Records of Marria ge License issued by the various Clerks of Illinois District Cherokee Nation are on file in this office and the following entry appears on page 18o of one of said Records:

Cherokee Nation } To any minister of an evangelical denomination
Illinois District
~~Orlando District~~ ~~Charged~~ person;

Greeting: R.A.Evans a citizen of the United States having this day made application in accordance with the laws of the Cherokee Nation for a license to marry a citizen of the Cherokee Nation; Now Therefore , Be it known that I by the authority vested in me by the laws of the Cherokee Nation, do this day grant the said R.A. Evans a license to marry a citizen of the Cherokee Nation and attach a certificate of same to this license and return to this office for record .

Given from under my hand and seal of office this26th. day of March 1883.

M.R.Brown, Clk. I.D.?C.N.

This is to cerify that I have this day United in the bonds of Matrinony R.A.Evans a citizen of the Uni ed States and Alice Carter a citizenof the Cherokee Nation. "Signed" T.M.Walker, District Judge I.D.?C.N.
"A true Copy". M.R.Brown Clk. I.D.?C.N.
Oath administered as required this 26th. day of March1883
M.R.Brown,Clk. I.D. C.N.

J. T. Parks
Executive Secretary
Cherokee Nation

C.1532
D

MOM 50 / No. 1786

Certified Copy

M L. Evans

vs.

R. A. Evans

M. L. Evans, *
vs. * No. 1796-
R. A. Evans. * Sept. 11, 1882

This day came the plaintiff by her attorney and the defendant failed to appear and answer in this behalf and the plaintiff having announced ready for trial the court ordered the trial to proceed, and the court after hearing the testimony, the argument of counsel and being fully advised in the premises is of the opinion that the law in for the plaintiff and that the divorce prayed for in her petition should be granted.

It is therefore ordered, adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff, M. L. Evans and the defendant, R. A. Evans be and the same is hereby set aside, annulled and for ever held for naught.

It is further ordered that the defendant R. A. Evans pay all costs in this behalf incurred for which execution may issue in favor of the officers of court.

The State of Texas, *
*
County of Denton. * I, M. P. Crowder, Clerk of the District court in and for the county of Denton, Texas, do hereby certify that the foregoing is a true and correct copy of the judgment of the court in cause No. 1796 wherein M. L. Evans is plaintiff and R. A. Evans is defendant, as the same appears of record on the minutes of the District court of Denton county, Texas, in Book "E" Page 96.

Given under my hand and seal of said court this the 11th day of April, A. D. 1901.

M. P. Crowder, Clerk,
District Court, Denton County, Texas.

10032

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 15 1902

ACTING CHAIRMAN

Executive Office Cherokee Nation,
Tahlequah I.T.

I B.W.Alberty,do hereby certify that the records of the Circuit Court of Illinois District Cherokee Nation show no proceedings in said Court from the May Term of said Court 1882 to 1884;and if there were any proceedings in said Court for the Terms September 1882,May 1883 and September 1883 the record, ~~of~~ ~~said~~ thereof if ever made has been lost or misplaced and cannot be found in this Office;that the records of the Court of Illinoise District has been filed in this Office(except as above stated)by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 31st day of March 1902.

B. W. Alberty

Assistant Executive secretary,
Cherokee Nation.

testmonyel
Affectly
M.D.Green, being first duly sworn, states that as stenographer
to the Commission to the testimony and proceedings in this case and
recorded the foregoing is a true and complete transcript of his
that the foregoing notes thereof.
stenographic notes thereof.

Subscribed and sworn to before me this Februrary 21,1905.

Commissioner.

File in
Cherokee D-1032.

"R"

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 7,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Alice Evans ~~et~~ for the enrollment of herself et al., as Cherokee citizens.

Appearances:
Applicant, in person.
W.W.Hastings, as attorney for the Cherokee N ation.

ALICE EVANS, being first duly sworn, and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Alice Evans.
Q How old are you? A 43; I said 43, I mean 53.
Q What is your post-office? A Muskogee.
Q Did you appear before this Commission on the 11th day of May 1900 and make application for the enrollment of yourself and your son, Walter A. Evans, as Cherokees? A Yes sir.
Q Is your son Walter A. living at this time? A Yes sir.
Q What is the name of your father? A My father's name was Abraham Carter.
Q Is he living or dead? A He is dead.
Q What is the name of your mother? A Ary ~~[illegible]~~ Audre.
Q Who was the father of Walter A. Evans?A Reuben A. Evans.
Q Is he a white man? A He is.
Q Is he living? A He is.
Q Have you always been recognized as a Cherokee? A Yes sir.
Q Have you always resided in the Cherokee Nation? A No not always, but then I have always come back again.
Q Have you always resided in the Indian Territory? A No sir, I have not.
Qq When were you out of the Territory?A I went out of it in '74, and came back in '80.
Q Have you been out since that time? A Not to live.
Q Doe s your name appear upon the roll of 1880?A It does.
Q On the census roll of 1896? A Yes, sir.
Q Have you always made the Cherokee Nation your home? A I have always made it my home.
Q What was your name in 1880? A Boynton.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified on
page 7 No.182, Alice Boynton, Canadian District, native Cherokee
1896 census roll of citizens of the Cherokee Nation examined and applicants identified on
page 21 No. 577 Alice Evans, Canadian District;
page 21 No. 578 Walter A. Evans, Canadian District.

Q What was the name of your first husband?A Robert Boynton.
Q Is he living or dead? A He is dead.
Q When did he die? A He died- I will have to go back , I can't keep track of years exactly; let's see, he died in March, 1883 I think it was we were marriedin, and he died the fall or summer, in the summer of '82.
Q You mean '92? A No, I mean '80 when Boynton died.
Q You said you were married to him in '83? A Oh I married him in California; I thought you meant Evans.
Q When were you married to Boynton?A In '76.
Q And he died in '82? A Yes sir.
Q And then in '83 you married your present husband Reuben A. Evans?

A Yes sir.
Q Have you and he lived together continuously since your marriage?
A We have.
Q You are living together at this time? A Yes sir.
Q You are positive that he was dead before you married your present husband? A Yes, sir, his brother wrote me that he was dead.
Q That is prior to your marriage to your present husband? A Yes sir, but Mr. Evans hadn't paid much attention to it, and he put it down that he wasn't positive about it, that's the reason he didn't give satisfactory evidence about it; I said you have made a lot of unnecessary work that you knew if you had remembered, and he said he never thought of it; he had known there was something about a divorce, but he couldn't tell about it, and he just left it.
Q Were you divorced from your first husband? A Yes, sir, I was and got papers, but afterwards learned he was dead, and then afterwards I married my present husband.

BY MR. HASTINGS:

Q Had you heard he was dead before you married your present husband
A Yes sir, I had heard of it, but I had got the divorce paper s anyway, but after I heard that I never paid any attention to the divorce papers, because I knew it was all right,- he died in Tombstone, Arizona.

BY COMMISSION:

Q And that was in '82?A Yes, sir, I think it was, and we were married in '83; I am not positive about it, but it was the year before.

BY MR. HASTINGS:

Q Where did this man Boynton die? A He died in Tombstone, Arizona.
Q Is his brother living out there? A He was at the time he wrote me, but then I haven't heard from him since then.
Q You don't know whether he is living there now or not? A No,sir, I don't.
Q What was his brother's first name, do you remember? A It seems to me like it was Nathan; it has been so long ago that I have nearly forgot the name, I think that was it, Nathan, but I was not personally acquainted with his brother; it was a mining camp there and they were living together and batching together at the time of his death.

BY COMMISSION: On May 11,1900, Alice Evans appears before the Commission and made application for the enrollment of herself and sonWalter A. Evans, as citizens of the Cherokee Nation. The testimony taken at that time was incomplete, and the applicant this day appears and gives further testimony in regard to her said application.

It appears from same that she is duly identofied on the authenticated roll of 1880 and the census roll of1896; that her son Walter A. Evans is likewise identified on the census roll of 1896., and that she makes satisfactory proof as to her residence, as well as the residence of her child; consequently said Alice Evans and her son Walter A. Evans will be duly listed for enrollment as Cherokees by blood.

It further appears from the records of the Commission that the applicant's present husband Reuben A. Evans, appeared before the Commission on the 12th day of January,1901, and made application for the enrollment of himself; by reason of the fact that he failed to introduce satisfactory evidence as to the death of his present wife's former husband, he was listed for enrollment on a Cherokee doubtful card, No.1032; it is therefore directed that copies of this testimony be filed with and made part of the record in the matter of the application of Reuben A. Evans for enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings ~~and~~ in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 12, 1902.

Commissioner.

Motion Picture

"LIFE AND DEATH OF A WOMAN"

"BEST PICTURE OF THE YEAR"

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 5, 1902.

In the matter of the application of Reuben A. Evans for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by W. T. Hutchings.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 27, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March, 1902. On said date the case was continued by agreement to March 24, 1902, and on March 24, 1902, the case was again continued by agreement to April 5, 1902. The applicant this day appears in person and by his attorney, W. T. Hutchings.

MR. HUTCHINGS: We desire to introduce the statement of B. W. Alberty, assistant executive secretary of the Cherokee Nation.

ALICE EVANS, being first duly sworn, testified as follows:

MR. HUTCHINGS: What is your name? A Alice Evans.
Q What is your postoffice? A Muskogee.
Q What relation are you to R. A. Evans? A His wife.
Q Who was the attorney in the divorce suit against your former husband, Boyenton? A Lyons.
Q Did you get any copy of the judgment of divorce? A I did.
Q Who brought that to you? A Mr. Lyons himself.
Q Do you know what became of that? A No, sir, I don't.
Q Have you made search for it? A I have searched everywhere, and searched my memory too, and haven't seen it since the day I got it, I remember looking at it then.
Q You left it there? A Yes, sir, I read it over and saw it was a divorce. I was under the impression that it was gotten in Illinois District, but whether it was or not I couldn't tell, and I went up and searched the records in the Council and in Illinois District.
Q Were you living in Illinois District at that time? A No, sir, but that had always been my home before.
Q That was your Cherokee residence? A Yes, sir. I was in business here at the time.
Q You are temporarily residing at Muskogee? A Yes, sir.
Q That's all.

FRANCIS B. REED, being first duly sworn, testified as follows:

MR. HUTCHINGS: State your name? A Francis B. Reed.
Q Are you acquainted with R. A. Evans and his wife? A Yes, sir.
Q Did you know Mr. Lyons the attorney of Mrs. Evans in her divorce suit? A John Lyons at Gibson, yes, sir.
Q Well, just state what you know, is Mr. Lyons living? A Is he living?
Q Yes, sir. A I don't know.
Q Well, state if you ever heard him make any statement about getting her divorce? A Why I did at Gibson at one time, there was some question, some talk come up after her and Mr. Evans was

married, and Mr. Lyons was there and said that he was her attorney and had procured her a divorce; that was in '83, along in the fall or winter of '83.

Q Shortly after she and Mr. Evans were married? A Yes, sir.

MR. HASTINGS: Did he say where he got it? A I don't remember that he did, no, sir.

Q Didn't say whether he got it through the court or council?

A No, sir, I don't remember about that.

Q Didn't say when he got it? A Well, he got it before she was married.

Q Do you know when she was married to Mr. Evans? A I think it was along in the spring of '83.

Q Was it about that time that you heard him make this statement?

A It was afterwards, after they were married.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence of record.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G Croninger

Subscribed and sworn to before me this 10th day of April, 1902.

Philip G Hunter

Notary Public.

D1032

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 13 1902

ACTING CHAIRMAN

Memorandum and order of judgment on motion for judgment.

Muskogee, I.T. August 11, 1902.

Motion for judgment on the pleadings and the motion of the plaintiff for a judgment by default against the defendant Thomas Jefferson Parkinson, administrator of the estate of Lucinda Parkinson, deceased, for the collection of the purchase money of the lots in controversy in the pleadings and the motion of the defendant Parkinson, administrator of the estate of Lucinda Parkinson, deceased, for a judgment against the plaintiff for the collection of the purchase money of the lots in controversy in the pleadings and the motion of the plaintiff for a judgment against the defendant

N
Cher -
Supp'l to D 1032

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

In the matter of the application of EUGENE A. EVANS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

SUPPLEMENTAL TESTIMONY.

Appearances:
Applicant appears by W. T. Hutchings, Esq., of Muskogee;
No appearance on the part of the Cherokee Nation:

EUGENE A. EVANS, the applicant, being duly sworn by the Commission, testified as follows:

Examined by Mr. Hutchings:

Q Where do you reside ? A In the Cherokee Nation.
Q What is your post office ? A Muskogee.
Q How far from Muskogee is your improvement in the Cherokee Nation?
A Where I now live ?
Q Yes ? A Three miles, or about that.
Q Where have you resided since you were married ? Just give the various places.
A Why I have lived in about ten miles south-east of Muskogee most of the time, in the Cherokee Nation.
Q Have you lived anywhere else except in the Cherokee Nation and Muskogee during that time ? A Not as a home.
Q How much of the time have you been out of the Indian Territory ? At one time ?
A About five months was the longest at one time. I had a ranch in Texas, and I went backwards and forwards down there.

By the Commission:

Q When was that ? A I sold out there last year, and I had been there about three years off and on.

By Mr. Hutchings:

Q Did you ever move your family to Texas at all ? A No sir.

By the Commission:

Q Did you ever take any of your household effects there ?
A Only such as I had to take. My wife come and stayed three months once, and we took a few things.
Q Was that the only time she was ever there ?
A Yes sir, she was only there the one time.
Q During all the other time was she a resident of Muskogee or the Cherokee Nation ? A Yes sir.

By Mr. Hutchings:

Q Have you voted all the time in the Cherokee Nation ?
A I think I have voted at every election since '83.
Q Did you ever vote in Texas, or consider yourself a citizen at any time ? A No sir, I never did.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 11, 1903.

Notary Public.

D1032

COMM

NOV 25 1902

Dear Chandler

Robert Lapitz.

Dupicated and sent to Dr. Cook on this date.

"Nov. 25, 1902.

Dear Sir:

Enclosed find photographs of the Mt. Ararat, Mt. Cook and Mt. Lucania, which are the only photographs I have. Mt. Ararat is a conical peak, and Mt. Cook and Mt. Lucania are ridges. Mt. Ararat is the highest mountain in Asia Minor, and Mt. Cook is the highest mountain in New Zealand. Mt. Lucania is the highest mountain in Alaska, and is the highest mountain in the Dominion of Canada, except Mt. Logan, which is the highest mountain in Canada.

Yours O. Cook, Dept. of Agriculture, Washington, D.C.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 8th, 1902.

In the matter of the application of Reuben A. Evans for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-1032.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

REUBEN A. EVANS, being duly sworn, testified as follows:
Examination by the Commission.

Q. State your full name? A. Reuben A. Evans.
Q. What is your age? A. 51.
Q. What is your post office? A. Muskogee.
Q. How long have you been living in Muskogee? A. I have lived off and on here ever since '81.
Q. You are a white man, are you? A. Yes, sir. I have made my home in the Cherokee Nation but lived a good deal in town.
Q. Are you the same Reuben A. Evans who made application on the 12th of January, 1901, to be enrolled as a citizen by intermarriage of the Cherokee Nation. A. I guess so, I don't remember the date.
Q. When were you married to your wife? A. '83.
Q. What is the name of the wife through whom you claim citizenship?
A. Before I married?
Q. Yes. A. Alice Boyenton.
Q. Is she your first wife? A. No, sir.
Q. Was your first wife a Cherokee by blood? A. No, sir.
Q. White woman? A. Yes, sir.
Q. Is she dead? A. No, sir.
Q. When did you marry your present wife? A. '83.
Q. Were you divorced from your first wife? A. Yes, sir.
Q. Were were you and your first wife living at the time of the separation? A. Texas.
Q. You were divorced in Texas, were you? A. Yes, sir.
Q. Your present wife is a Cherokee by blood? A. Yes, sir.
Q. How long has she lived in the Cherokee Nation? A. She has lived in the Cherokee Nation all her life except about five or six years she was living in California.
Q. What five or six years? A. She come back in '81.
Q. You married her in '83? A. Yes, sir.
Q. Have you and your wife been living together in the territory since 1883? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. Were you living together the first of last September?
A. Yes, sir.
Q. Was your wife ever married before? A. Yes, sir.
Q. Who was her former husband? Boyenton.
Q. Was he dead when she married you? A. I don't know whether he was or not. She got a letter from his brother and he told her that he was dead. She wrote several times after and never could hear anything from him.
Q. Before she married you? A. Yes, sir.
Q. How long before? A. About a year. That was in California.

Q. They separated in California? A. Separated in California. She came home.
Q. Do you know whether there was a divorce between them? A. I don't know whether there was a divorce between them. She got this Major Lyons that used to live here to get it for her.
Q. She sued in the United States court here? A. No, sir; this was before the United States court come here. She got it at Tahlequah.
Q. From what court? A. I don't know what court he got it from.
Q. Is she got a divorce here in the Cherokee Nation you ought to be able to get a copy of it? A. I couldn't find it. I went up there and couldn't find it.
Q. Who was the attorney? A. Major Lyons. He is dead.

Examination by Mr. Starr.

Q. On what ground did she secure the divorce? A. I don't remember.
Q. Did you ever see a copy of it? A. No, I don't think so. I don't remember seeing it.
Q. What was the full name of your wife's first husband? A. I don't know what his initials was.
Q. You don't know whether he was alive or not at the time you married this woman? A. I don't know anything about it. I never saw him.
Q. What time of the year in '83 did you marry? A. 28th day of March.
Q. You say she and her former husband had been separated about how long? A. I don't know. I never asked anything about it. She was here when I come here in '81. She had been in California before that. I never talked to any anything about it.
Q. Your wife is living, is she? A. Yes, sir.

J. C. STARR, being duly sworn, testified as follows:

Examination by the Commission.

Q. State your name, age and post office? A. J. C. Starr, age 32, post office, Vinita, Indian Territory.
Q. What official position, if any, do you hold? A. One of the representatives of the Cherokee Nation.
Q. Do you wish to introduce some evidence in the matter of the application of Reuben A. Evans? A. Yes, sir. In the matter of the application of Reuben A. Evans, I wrote a letter to N. C. Boyenton at Tombstone, Arizona, making inquiry as to the death of the former husband of Alice A. Evans. I received a letter from Mr/ Boyenton and asked that the same be filed.
Q. You are the same J. C. Starr to whom this letter was addressed? A. Yes, sir.
Q. The same purports to be an answer to a letter addressed to Mr. Boyenton by yourself? A. Yes, sir.

BY THE COMMISSION:
The letter will be filed and made a part of the record.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 24th day of November, 1902.

B O Jones

Notary Public.

Cherokee D 1032.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Reuben A. Evans for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 12, 1901 Reuben A. Evans appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory February 7, 1902 and April 5, 1902.

The evidence shows that on the 26th day of March 1883 said Reuben A. Evans was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Alice Carter, a citizen by blood of said Nation; that he is identified on the 1896 census roll; that said Alice Carter has been married twice; that the applicant is her second husband; that she is identified on the 1880 authenticated tribal roll of the Cherokee Nation by the name of Alice Boyenton, she having taken the latter name from her first husband, who died prior to her present marriage and from whom she was divorced, after which she assumed her maiden name, Carter, until said 26th day of March 1883; that the applicant, Reuben A. Evans, has also been married twice and is divorced from his first wife, M. L. Evans.

The evidence further shows that the applicant, Reuben A. Evans and his wife, Alice Evans, have lived together continuously as husband and wife in the Cherokee Nation since 1883, and that he was a resident thereof at the date of his application herein.

Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), provides for the enrollment of Cherokee citizens,

> "with such intermarried white persons as may be entitled to citizenship under Cherokee Laws."

It is, therefore, the opinion of this Commission that Reuben A. Evans should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Muskogee, Indian Territory,
this

FILED
MAY 19 1905
COMMISSION TO FIVE TRIBES.

2801 OTD

Unitrd States of America,

Indian Territory, Affidavit.

Western District.

This day personally appeared before the undersigned a Notary Public within and for the distr ict aforesaid, Martin V. Benge, who after being duly sworn states:-

That he is a citizen of the Cherokee Nation by blood; that his age is fortynine years; Post Office Addfess is Ft. Gibson, I. T.; that he was Deputy Sheriff of Illinois District Cherokee Nation in the years 1881 and 1882; that he remembers during the time he was Deputy Sheriff that a divorce was granted Mrs. Alice Boynton from one Boyntonin the Circuit Court for Illinois District.

Martin V Benge

Subscribed andsworn to before me this 15th. day of May 1905.

Clyde F. Kay

My commission expires May 5, 1909. Notary Public.

FILED
MAY 19 1905
COMMISSION TO FIVE TRIBES

United States of America,

Indian Territory , Affidavit.

Western District.

This day personally appeared before the undersigned a notary Public with and for the district aforesaid, Richard M. Walker , whoafter being duly sworn states:-

That he is a Citizen of the Cherokee Nation by blood; that his age is fiftyone years, and Post Office Adress is Ft. Gibson I. T. That he was Clerk of the Illinois District Court, in the years 1879, 1880, 1881 and 1882 and that during the time he was clerk of the said Court Mrs. Alice Boynton was granted a divorce from one ~~B~~ Boynton in the Circuit Court for said Illinois District , Cherokee Nation. That one John F. Lyons acted as Mrs. Boynton's attorney ; that the same should be a matter of record in the Court Records of the Illinois District, Cherokee Nation.

Richard M Walker

Subscribed and sworn to before me this 15th. day of May 1905.

My commission expires May 5, 1909. Ryde C. Ray Notary Public.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1100
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1140
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1482
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550

Millie Moston	1554
Andrew Walters	1573
John H. Hobler	1610
Mary M. Barr	1612
Thomas E. Bonham	1644
Florence Hendrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gene Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willie E. Miles	1760
Lucy Adair	1781
John Darborough	1796
Orlando W. Dassler	1802
Benjamin C. Redington	1804
Walter B. Maxwell	1808
Richard Dukes	1811
Dennie Perrit	1816
Genesia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Weiry	1847
Leonard F. White	1884
Lawson B. Green	1887
Charles Rosser	1898
Lee Adair	1913
Hieronessa Irving	1920
Bird Trimpard	1925
John C. Carlile	1937
John W. Calstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Ben D. Green	2159
Benjamin F. Irving	2172
Thomas J. Wenzler	2192
John Coop	2215
Sam S. Armstrong	2224
Henry B. Lee	2251
Sarah Curtis	2256
John A. Walden	2261
Henry C. Bennel	2271
Martha S. Cleland	2302
Irene A. Frazier	2312
Laura B. Courtney	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
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Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M Collier	D	1367
Katy Payne	D	1369
Joseph H Warren	D	1375
Mattie Miller	D	1433
S F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G W Williamson	D	1555
C I Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D A Mounts	D	1967
J C Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C Russell	D	2607
Pricilla Ross	D	2608
Tom W Reeves	D	2609
Mary Smart	D	2612
Rufus Tilmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P Ables	D	3048
Almedie Ross	D	3052
John S J. Fowler	D	3055
Leaner Hood	D	3056
James D Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simeo	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

D1033

FILED
FEB 23 1902

Acting Chairman

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902.

Mr. Reuben A. Evans,

Muskogee, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 15 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of decree of divorce of your wife Alice, from her former husband Boyenton.

CherokeeD-1032
Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. 1. 1038.

Muskogee, I. T., March 11. 1902.

The Mayor of Tombstone,

Tombstone, Ariz.

Dear Sir:

A woman by the name of Alice Evans has applied to the United States Commission for the enrollment of her husband as a citizen of the Cherokee Nation, whose name is ~~Boynton~~ Reuben A. Evans. She claims that she was formerly married to a man by the name of Boynton, and that he died at Tombstone, Arizona, or that she heard that he died there, in about the year 1882. This man Boynton had a brother in Tombstone by the name of Nathan Boynton, and she testified that when Boynton wrote her that his brother was dead. Will you kindly see some old citizens of Tombstone, Arizona, and see if there was a man by the name of Boynton that died there in 1882, or if he is not dead give us his name; and if Nathan Boynton still

ATTORNEYS

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No. F. D.

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

2

lives there kindly advise us about this. If Boynton was not dead in 1882 this woman's husband is not entitled to enrollment as a citizen of the Cherokee Nation, and we would be pleased to hear from you by return mail.

We will be willing to pay you for your trouble in this matter.

Yours truly,

J. C. Starr

(over)

Tombstone Ariz Mar 17/02

Mr. J. C. Blair
Muskogee I. T.

Dear Sir

I have long known a man by the name of Nathan C Boynton. He told me on several occasions that he had a Brother that died here in the early 80's I never knew him or any of the particulars of his death, altho I was here at the time, should you desire to write N C Boynton a letter directed as follows will reach him

N. C. Boynton
C/o Black Diamond Mine
Pearce Cochise Co
Arizona.

Yours truly
C. B. Yarbell
Undertaker

C. D. 1032

March, 21, 1902.

Mr. H. C. Boynton,

Pearce, Ariz.

Dear Sir:-

Please advise us the exact date of the death of your brother, who died in Tombstone, Ariz., during the 80's. I think his name was Robert Boynton. An early reply will confer a great favor on us.

Yours very truly,

[illegible]

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

W. W. HASTINGS, ATTORNEY
J. C. STARR, SECRETARY

CHEROKEE ENROLLMENT

MUSKOGEE, IND. TER. May 7th 1902.

Post Master
Pearce,
Cochise, Co, Arizona

Dear Sir:

Please advise me the name of a Notary Public or some officer autgorized to administer oaths at your place. Also advise me if N. C. Boynton lives in your town . In other words I want to get some officer to swear Mr Boynton to an affidavit if he is in your town.

Yours truly, J. C. Starr

Chas. M. Williams
Notary

In reply refer to
Cherokee D 1052.

Muskogee, Indian Territory, June 6, 1902.

J. T. Parks,

Secretary of the Cherokee Nation,

Tahlequah, Indian Territory.

Sir:-

In the matter of the application of Reuben A. Evans for enrollment as a citizen of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of his case, that this Commission should be furnished a certified copy of the decree of divorce of said Evans from his first wife; and also a certified copy of his certificate of marriage to his present wife, Alice Evans, in accordance with the laws of the Cherokee Nation.

Yours truly,

Acting Chairman.

In reply refer to
Cherokee D 1032.

Muskogee, Indian Territory, June 6, 1902.

Reuben A. Evans, Esq.,

Muskogee, Indian Territory.

Sir:-

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that this Commission should be furnished with a certified copy of your decree of divorce from your first wife, and also a certified copy of your certificate of marriage to your present wife, Alice, in accordance with the laws of the Cherokee Nation.

This testimony must be furnished on or before July 1st, 1902.

Yours truly,

Acting Chairman.

Register.

THE BLACK DIAMOND COPPER MINING CO.
CABLE ADDRESS: FAULKBLACK

N. O. BAGGE, GENERAL MANAGER

CODES USED
BEDFORD McNEIL AND LIEBER'S

TELEGRAPH AND POST OFFICE
BLACK DIAMOND

FREIGHT STATION
CACHISE, S. P. R. R.

BLACK DIAMOND, ARIZONA, June 7,1902. 190

J.C.Starr, Esq.

Muskogee, Ind.Ter.

Dear Sir:

We have your favor of May 31st, making inquiry as to the address of N.C.Boynton. He left our place some time ago and we do not know for certain his address but think you will find him either in Pearce,Gleeson or Tombstone.

Very truly yours

N. O. Bagge

J.

POSTAL CARD - ONE CENT.

UNITED STATES OF AMERICA.

THIS SIDE IS FOR THE ADDRESS ONLY.

Newton A. Cannon

Gleason 7/2 1902

[illegible] is not in
Gleason [illegible]
where he is [illegible]
[illegible]

Cherokee
D 1032.

Muskogee, Indian Territory, July 8, 1902.

Reuben A. Evans, Esq.,
Muskogee, Indian Territory.

Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you submit to this Commission additional testimony, showing definitely and clearly the character of your residence in the Cherokee Nation, particularly since your marriage to your present wife.

This testimony must be furnished on or before August 11, 1902.

Acting Chairman.

Registrar.

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

NO. F. D.

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

MUSKOGEE, IND. TER. Nov 3 1902

Mr. Charles S. Clark,

Tombstone, Arizona

Dear Sir: a man by the name of R. R. Boynton died in Tombstone along about 1884 or 1885 or in the 80s and before he died his wife and he separated and she came to the Cherokee nation. She afterwards married and we have learned that she married the spring before her husband died there and it has become necessary for us to prove the date of the death of her first husband Boynton. I had a letter from N. C. Boynton from your town giving me the date of the death of R R Boynton but as he seems to be an unscrupulous man and never answered another letter of mine and he seems to live at Grass Valley California. I wish you would inquire there and see if we can make the proof of the date of the death of R. R. Boynton; there may be a doctor there who knows or the undertakers establishment or the files of some newspaper office or there might be a tombstone that shows it in the cemetery. If you see any chance to prove this let us know and we will get you to take the depositions for us.

Yours truly,

P. S. It seems that Robert Boynton died in the spring of 1883.

Tombstone Ariz 8th 1902

I am sick and don't feel well enough to attend to it

Thos S Clark

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 28, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that you will be allowed 30 days from date hereof, in which to file with the Commission a motion to reopen the application of Reuben A. Evans for the enrollment of himself as a citizen of the Cherokee Nation, for the purpose of submitting testimony showing that the applicant's wife was formerly married to one Robert R. Boynton, from whom she was not divorced when she married Evans, said motion to be supported by not less than two affidavits showing what the witnesses would testify to, if present.

Respectfully,

Acting Chairman.

EXECUTIVE DEPARTMENT

CHEROKEE NATION
TAHLEQUAH, INDIAN TERRITORY.

January-13-1903.

J.C.Starr, Esq,

Vinita, Indian Territory,

Sir:-

Replying to your letterof the 9inst, in referance to diverce of Leroy C.Blevens from his wife Louisa Blevens , you are advised that I find no record of same ; Referring to a letter of the 8inst, from W.W.Hastings enclosing a certificate signed by B.W.ALberty, in referance to a diverce of Aliwe Beynten from Robt, Beynten, I will say that I am unable to fing the records of of the Circuit Court of Illinois District for that time.

Very respectfully,

A. B. Cunningham

Asst.Secretary.

PHONE 210 EAST BROADWAY

R. A. EVANS

LIVERY, BOARD AND SALE STABLE

Muskogee, Ind. Ter., May 17 1900

Commission to the Five Civilized Tribes
Muskogee, Ind. Ter.

Gentlemen: Please find enclosed herewith sworn affidavits of Richard M. Walker and Martha V. Bingh.

Please consider the same and file with my application for enrollment as a citizen of the Cherokee Nation.

Very respt

R. A. Evans

Cher. D 1032

Muskogee, Indian Territory, January 10, 1907.

Reuben A. Evans,

Muskogee, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn.___D_____ Commissioner.

Cherokee D1032

Muskogee, Indian Territory, March 14, 1907.

Ruben A. Evans,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-109
LMC

DECEMBER

DECEMBER						
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1902

29

JANUARY						
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1903

MONDAY

MAR 21
4:00PM
1992

After 10 days, return to

TOMBSTONE, ARIZ.

TOMBSTONE
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1892
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ARIZ.

Mr. J. C. Starr

Mushogee

I. T.

VITA, IND.
APR 2
1953
CIR.

After 10 days, return to

MUSKOGEE, IND. T.

MAR

Muskogee,

h 1039

IN THE MATTER OF THE APPLICATION OF

[illegible]

[illegible] 11/12/01

[illegible] 11/12/01

[illegible]

[illegible]

[illegible] 5/4/02

[illegible] 5/7/02

Cher D 1033

Cher D 1033

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 16 1901

ACTING CHAIRMAN.

R-

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 12, 1901.

In the matter of the application of William D. Turner for enrollment as a Cherokee citizen; he being sworn, and examined by the Commission, testified as follows:

Q What is your name? A William D. Turner.
Q How old are you, Mr. Turner? A 23.
Q What is your postoffice address? A Muskogee.
Q You apply for anybody besides yourself? A No sir.
Q How long have you lived in the Creek Nation? A My home has been here ever since I was born.
Q You own any property here? A No sir, not in the Creek Nation.
Q In the Cherokee Nation? A Yes sir.
Q What does it consist of? A I have a farm.
Q Have you ever ~~recognized~~ exercised the right of suffrage in the Creek Nation? A No sir.
Q Have you in the CherokeeNation? A Yes sir.
Q What is the name of your father? A C. W. Turner.
Q Your father living? A Yes sir.
Q He, a citizen of the Cherokee Nation? A He's a white man by blood.
Q What is the name of your mother? A My mother's name was Nannie Murray before she married.
Q Is your mother living? A No sir.
Q When did she die? A I don't remember what year- about in '83- I don't know.
Q Was she a citizen by blood of the Cherokee Nation? A Yes sir.
Q Does your name appear upon the roll of 1880? A I don't know whether it does or not.
Q Was your mother living here in the Creek Nation in 1880? A She was living in Okmulgee at that time.
Q Did you ever draw money from the Cherokee Nation? A Yes sir.
Q Have you always drawn from the Crek Nation? A No sir. I was told that I was enrolled once at Brushy Mountain some time. I don't remember when it was.
1894 roll: page 316, #4280, William D. Turner, Goweesoowee.
1896 roll: page 274, #4958, Wm. D. Turner, Goweesoowee.
Q Was your mother ever admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council, or Commission on Citizenship? A I don't know. She was always considered an Indian by blood is all I know about it.
Q You never drew any money from the Creek Nation? A No sir, I never did.
Q Did your father, ever draw any for you? A Not, that I know of.

Commission-

The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation. He has lived in the ~~Cherokee Nation~~ Creek Nation almost all his life, but does not own any personal property here. He avers he is the owner of property in the Cherokee Nation. The authenticated roll of 1880 has been examined, and the name of the applicant is not found. He is, however, identified on the Census roll of 1896 and strip payment roll of 1894 as a native Cherokee. For the reason, that his name does not appear upon the authenticated roll of 1880, he will be listed for enrollment by this Commission as a Cherokee citizen by blood upon what is known as a doubtful card.

I, D. Rotenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

2- W.D.Z.

Subscribed and sworn to before me this 14th day of January, 1961.

Commissioner.

1033

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 21 1901

ACTING CHAIRMAN.

D- 1033.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 16, 1901.

In the matter of the application for the enrollment of William D. Turner.

Supplementary testimony.

Witness, Clarence W. Turner, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Clarence W. Turner.
Q How old are you? A 44 in June.
Q What is your postoffice? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q In what district in the Cherokee Nation do you claim your home? A I suppose Cooweescoowee is where I have my property.
Q Do you vote in the Cherokee Nation? A Never have voted.
Q If you attempted to vote, you would vote in Cooweescoowee, would you? A Yes sir.
Q You want to give some additional testimony in the application of your son, William D. Turner, I understand? A Yes sir.
Q His mother is dead? A Yes sir.
Q When did she die? A In April, 1881.
Q Give me her name? A Nannie Murray.was her name before she married.
Q How old was she when she died? A I think she was born in '57, and she died in '81: that wouldmake her 24 years old.
Q Was she a Cherokee? A Yes sir.
Q Did you marry her in the Cherokee Nation? A At Fort Gibson, in July, '77.
Q Is she on the roll of 1880? A I don't know whether she is or not. She would be registered in Illinois district. Her mother registered at Fort Gibson at that time.
Q How long did you live with this wife in the Cherokee Nation? A I didn't live there at all. I had my ranch in Cooweescoowee district.
Q This son, William, was he born in the Cherokee Nation? A No sir, he was born at Okmulgee, ~~[illegible]~~
Q In the Creek Nation? A Yes sir. After she died I sent him to school, and when he came back he lived in the Cherokee Nation until this last summer.
Q Your son, William, was at Okmulgee when the roll of 1880 was taken? A Yes sir.
Q You think he wasn't put on that roll? A Not that I know of.
Q You didn't have him put on that roll? A No sir.
Q Have you applied for the enrollment of yourself as a Cherokee citizen? A No sir.
Q Give me the name of your wife's father? A Murray was his name.
Q Give me the name of your wife's mother? A Eliza Adair.
Q Did she marry Adair after the father of your wife was dead? A I couldn't say.
Q That was her name in 1880? A Yes sir.
1880 roll; page 499, #11, Eliza Adair, Illinois district.
Q When the roll of 1880 was made your wife was at Okmulgee? A Yes sir.
Q And you took no steps yourself to have her put on the Cherokee roll? A No sir.
Q You have no certificate of your marriage to your wife, Nancy, have you? A I had a certificate and gave it to Mr. Stoddard: he married us, and I have never seen it since.
Q Anyone here remembers her as your wife? A Yes sir, Mr. Blackstone. We had to have a petition. He signed the petition, Dr. Harris signed it, Judge Sanders and Meigs signed it.
Q Anyone here in the room remembers her? A I guess Mr. Agner knows. If he don't know, I have no one here.

B- W.D.T.

Witness, Pleasant N. Blackstone, being sworn, testified-

Q Give me your full name. A Pleasant N. Blackstone.
Q What is your postoffice? A Muskogee.
Q How old are you? A 58 years old.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation, and in this Indian country? A All my life.
Q Do you know Mr Clarence W. Turner? A Yes sir.
Q You know his son, William D. Turner? A Yes sir.
Q Did you know Clarence Turner's first wife Nannie? A Yes sir.
Q What was her name before she married him? A Murray.
Q Her mother some twenty years ago was married to another man than Murray; she had remarried I believe? A My recollection is her first husband was Keys, afterwards Murray, and afterwards Adair.
Q What was her given name? A Eliza.
Q So Eliza Adair was the mother of Nannie Murray? A Yes sir.
Q And Nannie Murray was the wife of Clarence W. Turner? A Yes sir.
Q And the mother of William D. Turner? A Yes sir.
Q Nannie Murray was born in the Cherokee Nation? A Yes sir, at Fort Gibson, I think.
Q She died in about '81 or '82? A I don't remember exactly when.
Q She has been dead a good many years? A Yes.
Q Did she live in the Cherokee Nation all her life down to the time she married Mr. Turner? A Yes sir, as far as I know. She lived at Fort Gibson all the time.
Q She was recognized as a native Cherokee, was she? A Yes sir. I think Mrs. Adair was a Gunther. She was a relative of mywife. My mother-in-law was named Katie Gunther, and I think they were cousins.
Q Now Nannie Murray and Clarence Turner married along in about '77 or '78? A I don't remember the exact date. I think I got the petition up for Mr. Turner.
Q This young man is 22 years of age, they were married back prior to 1880? A Yes sir.
Q And then after their marriage, she moved to Okmulgee with her husband? A Yes sir.
Q And they continued to live there until she died? A I don't know. She died at Fort Gibson.
Q She had been living at Okmulgee? A Yes sir.

Commissioner Breckinridge- This will be added as supplemental testimony to the application of William D. Turner, Case D - 1033.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to, before me this 17th day of January, 1901.

Commissioner.

CD1033

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1902

Acting Chairman

Supl.-C.D.#1033.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIAM D. TURNER as a citizen of the Cherokee Nation:

Appearances:
Benj. Martin, Jr., Muskogee, I. T., Atty. for applicant;
Mr. W. W. Hastings, Cherokee Representative.

JOSHUA ROSS, being duly sworn, testified as follows on part of the Applicant:
MR. MARTIN;

Q What is your name? A Joshua Ross.
Q What is your age and post office address? A My age is 69, post office Muskogee.
Q Are you a citizen by blood of the Cherokee Nation? A I am.
Q How long have you resided in the Indian Territory? A Resided in the Indian Territory all my life; let's see, about 66 years.
Q Did you know Miss Nannie Murray in her life-time? A Yes, sir.
Q Who was her mother? A Eliza Adair.
Q Where did Miss Nannie Murray life? A Fort Gibson.
Q In the Cherokee Nation? A Yes, sir.
Q To whom did she marry? A Married C. W. Turner.
Q Do you know the applicant in this case, William D. Turner?
A Yes, sir.
Q Is he the son of Miss Nannie Murray who afterwards was Mrs. Clarence W. Turner? A Yes, sir.
Q Do you know from your own knowledge whether Miss Nannie Murray was a citizen of the Cherokee Nation? A I know she was.
Q Where was she residing in 1880? A She was residing at Okmulgee.
Q That was after her marriage to Mr. Turner? A Yes.
Q Do you know about when Mrs. Turner died? A No, I don't know but it was after the birth of this boy.
Q Was William D. Turner, the applicant, her only child? A I think so.

WILLIAM D. TURNER, the applicant, being duly sworn, testified as follows:
MR. MARTIN:

Q What is your name? A W. D. Turner.
Q You are the applicant in this case? A Yes, sir.
Q You testified before the Commission in your own behalf on January 12, 1901? A Yes.
Q At that time the records show that you stated that your mother formerly Miss Nannie Murray, afterwards Mrs. Clarence W. Turner, died in 1883; will you please state whether or not that is correct?
A No, that is not correct, I was just guess at it at that time, stating it was 1883, and I afterwards found out it was in '81.
Q Do you old property in the Cherokee Nation now, Mr. Tuner? A Yes, I do.
Q What district? A Cooweescoowee.
MR. HASTINGS:
Q What is it? A It is that place up there at Inola.

---oooOOOooo---

I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rossen

D1033

DEPARTMENT OF
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 2 1902

Supl.-C.D.#1033.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM D. TURNER as a citizen of the Cherokee Nation;

The applicant was notified by registered letter February 27, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March, 1902. On said date the a plicant appeared before the Commission by his attorney, Benjamin Martin, Jr., and by a reement the case was continued until the 24th day of March, 1902. The same being this day, to-wit: the 24th day of March, 1902, called, the applicant appears by his attorney.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission: It appears from a copy of the Cherokee pay roll for the year 1883 now in the possession of this Commission that the name of one Dee Turner appears as No. 439, in Canadian District, his age being at that time five years.

ANNIE ELLIOTT, beging duly sworn, testified as follows on part of the applicant:

MR. MARTIN:

Q What is your name? A Annie Elliott.
Q What is your age and post office address? A Muskogee is my post office, I am 53 years old.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Mrs. Elliott, did you ever live at Fort Gibsion in the Cherokee Nation? A Yes, sir.
Q About when? A Oh, I lived off and on there ever since I was a child; the last time I left over there was about, let's see about 26 years ago since I last left in Fort Gibson.
Q Did you know Nannie Murray? A Yes, sir.
Q Whose daughter was she? A She was Eliza Adair's; she first married Keyes and she married Adair.
Q Was both Mrs. Eliza Adair and Miss Nannie Murray citizens of the Cherokee Nation? A Ye, sir, always considered so, I didn't know anything to the contrary.
Q Did Miss Nannie Murray attend the Nation schools at Fort Gibson? A Yes, sir.
Q Who did Miss Nannie Murray marry? A Clarence Turner.
Q Do you remember about what year she married Mr. Turner? A No, I don't remember what year it was.
Q Do you know where she moved after she married him? A Okmulgee.
Q State whether or not the applicant herein, William D. Turner, is a son of Clarence W. Turner and Nannie Turner who was formerly Nannie Murray? A Yes, sir, she was a son of Nannie Murray and Clarence Turner.
Q You know William D. Turner do you? A Yes, sir; I knew him when he was small, I haven't seen him for years.

W. S. AGNEW, being duly sworn, testified as follows on part of applicant:

MR. MARTIN:

Q What is your name? A W. S. Agnew.
Q What is your age and post office address? A 5o years of age, Muskogee is my post office.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Did you know Miss Nannie Murray during her lifetime?
A I expect I know her but I may have got her name a little wrong, I am pretty confident I kn ew the girl.
Q Where did she live? A Fort Gibson.
Q Was she a citizen of the Cherokee Nation? A Her mother was considered a citizen; she went to the public school there.
Q This girl went to the Cherokee public school there?
A Yes, sir.
Q What was her mother's name? A I heard her spoke of as Mrs. Keyes there and I was under the impression that they were Keyes children.
Q Do you remember what her mother's name was? A I just heard her spoke of there as Mrs. Keyes there and Mrs. Keyes girls there, I have got it impressed on my mind.
Q Who did this Miss Nannie Murray marry? A I left Gibson and come over there in Canadian in 1871 and I afterwards learned of her marrying Clarence Turner.
Q Do you know that this girl went to Okmulgee to teach school?
A I heard she went down to teach school and married Clarence Turner

Commission: The attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

Cherokee D 1851.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Turner for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 12, 1901, William D. Turner appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory January 16, 1901 and March 24, 1902.

The evidence shows that the applicant is twenty-two years of age and of Cherokee Blood; that he is identified on the 1894 strip payment roll and the 1896 census roll. His mother, a Native Cherokee, is not identified on the 1880 authenticated tribal roll of the Cherokee Nation, she having married in 1877 the father of the applicant and moved to Okmulgee in the Creek Nation, Indian Territory, where they were living when said roll was made, but her mother, Eliza Adair, is identified on said 1880 roll.

The evidence further shows that the applicant has resided in the Cherokee Nation nearly all of his life, but that at the time of the making of this application, he was a resident of Muskogee, Creek Nation, Indian Territory.

It is, therefore, the opinion of this Commission that William D. Turner should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1033.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of William D. Turner for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 48.

W 1033

[illegible]

[illegible]

[illegible]

Cher D 1034

Cher D 1034

1088

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 16 1901

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., January 14, 1901.

In the matter of the application of Hiram Landers for the enrollment of his wife and children as Cherokee citizens; he being sworn and examined by Commissioner J.G.Brookshire, testified as follows:

Q What is your full name? A Hiram Landers.
Q How old are you, Mr. Landers? A [illegible].
Q What is your postoffice? A Starville.
Q In what district do you live? A Canadian.
Q Who is it you want to have put on the roll? A Wife and children.
Q And you realize [illegible] sir.
Q How many children? A Three.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Give me her name? A Callie Landers.
Q How old is she? A 24.
Q When did you marry her? A In '95.
Q What time in '95? A December 20th.
Q Have you a certificate of marriage? A Yes sir. She was left a orphan when she was a little child. She went to live with a man by the name of Scales.
Q What is the name of your wife's father? A He died when she was small. I don't know.
Q Do you know the name of her mother? A No sir, I don't know.
Q You state that when you married your wife she was living with a family by the name of Scales? A Yes sir.
Q How had he got her up? A [illegible] sir.
Q And she went by their name? A Yes sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q Well, she ought to be on the roll of 1880? A Yes sir.
Q Know what name in 1880? A Catch-Coon.in English; I think it is down on the roll under her Cherokee name.
Q Given the name of this family that brought her up? A Joseph A. Scales.
Q He is alive? A Yes sir.
Q What is the name of his wife? A [illegible].
Q Is she alive? A Yes sir.

The applicant presents a license issued by the Clerk of Canadian district, authorizing marriage between himself and Callie Scales, dated December 20, 1895. The certificate shows that they were united in marriage in accordance with said license on the 20th day of the same month and in the same year by the Rev. S. A. Evans. This is filed herewith.

Q Give me the names of those children? A Bertha Landers.
Q How old is Bertha? A She's going on five years old.
Q The next child? A William H. Landers.
Q How old is that child? A He will be two in February.
Q Both living now, are they? A Yes sir. I have another one Gracie; born the 24th of last December.
Q Is Gracie living now? A Yes sir.
1880 roll: page 9, #224, Nella Coon, Canadian district.
1880 roll; page 9, #225, Catcher Coon, " "
1896 roll; page 43, #1162, Callie Landers, " "
1896 roll; page 43, #1170, Bertha " " "
Q Is there anybody here that knows your wife was the daughter of Catcher Coon and belonged to that family before she lived with the Scales'? A No sir, I don't know.
Q Anybody here that knows when she went by the name of Scales? A I don't know; I just came here to town, and came here by myself.
Q What proportion of Cherokee blood has your wife? A I would take her to be as much as three-quarters anyway.

2- H.L.

Commissioner Breckinridge-

The applicant applies for the enrollment of his wife and three children. He states that his wife's maiden name was Coon, but that she was an orphan at any early age, and was brought up by a family of Joseph A. Scales. Her marriage to the applicant on December 29th, 1895, under the name of Scales, which name she is said to have borne at that time, is established by the license and certificate filed herewith. The applicant does not apply for himself, he being a white man, and having been married after the Cherokee law, permitting the acquirement of citizenship by intermarriage. He states that his wife is three-quarters Cherokee blood; that she lived in the Cherokee Nation all her life. She is identified on the rolls of 1880 and 1896 as a nativeCherokee, but it is necessary to establish the change of name of the applicant's wife by custom, or otherwise, from that of Coon, under which she is identified in 1880, to that borne in the marriage license. She will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card to await the evidence indicated. Of the three children applied for, the oldest, Bertha, is duly identified on the roll of 1896, is living now, and will be listed for enrollment as a Cherokee by blood on the card with her mother. When proper certificates of birth of the two younger children, William H. and Gracie, are filed with the Commission, these children will also be listed for enrollment as Cherokees by blood on the card with their mother.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 15th day of January, 1901.

Commissioner.

1034

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 21 1901

ACTING CHAIRMAN

D - 1034.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 14, 1901.

In the matter of the application of Hiram Landers.

Supplementary testimony.

Witness, Richard Hayes, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Richard Hayes.
Q How old are you? A 41 years old.
Q What is your post office? A Muskogee.
Q Do you live in the Cherokee Nation? A I live here now.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation, or been identified with the Cherokee Nation? A For 41 years, I guess.
Q All your life? A Yes sir.
Q You know the wife of Hiram Landers? A Yes sir.
Q What is her name? A Callie Catcher Coon.
Q Who brought her up? A Joel Scales.
Q Did she carry the name of Scales for some time? A Yes, some called her Callie Scales.
Q You know she is the one that was Callie Catcher Coon? A Yes sir.
Q Where did you know them? A Webbers Falls.
Q You lived near Scales'? A Yes sir.
Q Did you know the father and mother of this woman? A No, I didn't know them. I know that was her name. She went by that name.

Commissioner Breckinridge- This supplementary evidence will be filed with case D - 1034, and note will be made on the card.

E.C. Rothenberg, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberg

Subscribed and sworn to before me this 16th day of January, 1901.

Commissioner.

D. 34 F.

IN RE

Application for Enrollment of

INFANT CHILD

Grace Sanders

as a citizen of the

Cherokee Nation.

Approved, Jan. 28 1901

J. B. Sims

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 28 1901

ACTING CHAIRMAN

No 10.34A

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Gracie Landers, born on the 24th day of December, 1900
(Here insert name of child.)
Name of Father: Hiram Landers, a citizen of the U S ~~Nation~~.
Name of Mother: Callie Landers, a citizen of the Cherokee Nation.
Post-office, Stroville Ind Terr

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, Callie Landers, on oath state that I am 24 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Hiram Landers, who is a citizen, ~~by~~ ....., of the U S ~~Nation~~; that a Female (male or female) child was born to me on the 24th day of December 1900; that said child has been named Gracie Landers, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29th *day of* December 190 .

Jack Thompson NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Katie Fields, a Midwife, on oath state that I attended on Mrs. Callie Landers, wife of Hiram Landers, on the 24th day of December, 1900; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Gracie Landers for

WITNESSES TO MARK:

Katie X Fields
mark

(Must be Two Witnesses.)
C. F. Thompson
Lula Blair

Subscribed and sworn to before me this 29th *day of* December 1900.

Jack Thompson NOTARY PUBLIC.

Cherokee D 1034.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Hiram Landers for enrollment of his wife, Callie Landers, and his children, Bertha Landers, William H. Landers and Gracie Landers, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 14, 1901 Hiram Landers appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment of his wife, Callie Landers, and his children, Bertha Landers, William H. Landers and Gracie Landers, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on said date.

The evidence shows that Hiram Landers and the applicant, Callie Landers, nee Coon, were lawfully joined in marriage on the 24th day of December, 1895; that said Callie Landers is a Cherokee by blood and is identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll. Her maiden name was Coon, but she was raised as an orphan in a family named Scales, by which name she is designated in her marriage license. She is identified on said 1880 roll under the name of Coon.

Said Bertha Landers is also identified on the 1896 census roll. The other children, William H. Landers and Gracie Landers, are too young to be on any roll, but are identified by birth affidavits on file with the Commission.

The evidence further shows that said Hiram Landers and Callie Landers have lived together continuously as husband and wife in the Cherokee Nation since the date of their marriage, and that said Callie Landers has resided in the Cherokee Nation all of her life. The children have lived with their parents in said Nation since their birth.

It is, therefore, the opinion of this Commission that said Callie Landers, Bertha Landers, William H. Landers and Gracie Landers should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1034.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Hiram Landers for the enrollment of his wife, Callie Landers, and his minor children, Bertha, William H. and Gracie Landers, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 100.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1134.

Muskogee, Indian Territory, October 24, 190

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of Mary J. Willison for the enrollment of herself as a citizen by blood of the Cherokee Nation, a copy of which said decision was furnished you on September 30, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Acting Chairman.

Decision

D 103

IN THE MATTER OF THE APPLICATION OF

[illegible]

FOR [illegible]

CHEROKEE CITIZENS.

[illegible]

Cher D 1035

Cher D 1035

A.1035

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 17 1901.

_R_

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 14th, 1901.

In the matter of the application of Emma D. Berry for the enrollment of herself and child as citizens of the Cherokee Nation; said Berry being first duly sworn, testified as follows:
EXAMINATION BY THE COMMISSION:

Q What is your name? A Mrs. Emma D. Berry.
Q How old are you, Mrs. Berry? A About 27.
Q What is your post office address? A Muskogee.
Q For whom do you make application, anyone else besides yourself? A Myself and one child.
Q How long have you lived in the Creek nation? A About eight years I guess.
Q Where did you live previous to that time? A Tahlequah.
Q Where were you born, in the Cherokee Nation? A Yes, sir.
Q Do you own property in the Cherokee Nation? A I just own a little bit of land right there near my father's place.
Q Do you claim that you are a resident of the Cherokee Nation or Creek Nation? A I claim t- be a Cherokee.
Q Do you claim the Cherokee Nation as your home? A Yes, sir, that is where I was raised and don't know anywhere else.
Q What is the name of your father? A Walter A. Duncan.
Q Is he living? A Yes, sir.
Q What is the name of your mother? A Martha Duncan.
Q Is your mother living? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Is our father a Cherokee? A Yes, sir.
Q What degree of Cherokee blood do you claim? A I think mymother was half and my father was half.
Q What is the name of your husband? A Frank M. Berry.
Q Your husband is dead? A Yes, sir.
Q Was he a Cherokee or white man? A He was a white man.
Q When were you married to him? A '93 I think.
Q You were never married before you married him? A No, sir.
Q Was he ever married before he married you? A No, sir.
Q What is the name of your child? A Mary Emm.
Q How old is she? A She was six this Fall.
Q Do you own any property here in the Creek Nation? A Yes, sir, I own my home.
Q What district were you enrolled in in 1880, 20 years ago? A Up at Tahlequah I guess. There is where I have always lived.
Q Were you enrolled in Canadian district four years ago? A I think so, my husband attended to that.

1880 Roll; page 629, #374, Emma Duncan, Saline.
1896 Roll; page 1138, #197, Emma Berry, Tahlequah.
1896 Roll; page 1138, #198, Mary Berry, Tahlequah.

Q Do you derive any rents from the land you own in the Cherokee Nation? A No, sir.
Q How much land do you own over there? A It's just a little patch there close to my father's place; it is not worth speaking of.
Q Have you ever lived in the Cherokee Nation since you were married to Mr. Berry? A No, sir. We were marriedaccording to Cherokee law.
Q Has you husband ever voted in the Cherokee Nation since he married A Yes, sir, always voted in the Canadian district.
Q He was always recognized as a Cherokee citizen? A Yes, sir, the same as any other intermarried man.

COMMISSION: The Applicant applies for the enrollment of herself and one child as citizens by blood of the Cherokee Nation: She is identified upon the authenticated roll of 1880 and the census roll

of 1896 as a native Cherokee. She appears upon the roll of 1880 under her maiden name, and upon the roll of 1896 under the name of her deceased husband. She avers that she has not lived in the Cherokee Nation since her married to her husband in 1893. She also avers that she owns property in the Cherokee Nation but derives no benefit therefrom. For the reason that she has not lived in the Cherokee Nation for the past eight years, she will be listed for enrollment as a citizen by blood upon what is known as a doubtful card. The child is identified upon the census roll of 1896 as a native Cherokee. This child will, likewise, be enrolled with its mother as a Cherokee by blood, upon a doubtful card.

---oooOOOooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this 14th day of January, 1901.

Commissioner.

Cherokee D 1035.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma D. Berry for enrollment of herself and her daughter, Mary E. Berry, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 14, 1901 Emma D. Berry appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment of herself and her daughter, Mary E. Berry, as citizens by blood of the Cherokee Nation.

The evidence shows that the applicant, Emma D. Berry, is a Cherokee by blood and is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Emma Duncan as a Native Cherokee. She is further identified on the 1896 census roll and her daughter, Mary E. Berry, is also identified on said roll. In 1893 said Emma D. Berry was lawfully joined in marriage with Frank M. Berry, now deceased.

The evidence further shows that she has resided in the Cherokee Nation all of her life, except the last eight years, during which time she has been a resident continuously of the Creek Nation, Indian Territory.

It is, therefore, the opinion of this Commission that Emma D. Berry and Mary E. Berry should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-One of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1035.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Emma D. Berry for the enrollment of herself and her daughter, Mary E. Berry, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 101.

Decision D 10:35

TION OF

Emma A. Berryhill

Cher D 1036

Cher D 1036

1036

DEPARTMENT OF THE INTE
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 17 1901

ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR,
COMMI SSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 14th, 1901.

In the matter of the application of William Franklin for enrollment as a citizen of the Cherokee nation of Shawnee blood; said Franklin being sworn and examined testified as follows:
EXAMINATION BY THE COMMISSION:

Q What is your name? A William Franklin.
Q How old are you? A About 32.
Q What is your post office a ddress? A I have been here in this country for four or five years.
Q Muskogee? A Yes, sir.
Q Do you apply for anyone else besides yourself? A No, sir.
Q Do you apply as a Cherokee by blood or intermarriage? A Birth right I guess.
Q What debree of Cherokee blood do you claim? A I am Shawnee.
Q About how much Shawnee? A About quarter.
Q Where were you raised? A Up areound Vinita and Nowata.
Q Up until four years ago did you always make your home in the Cherokee Nation? A Yes, sir.
Q Always lived there? A Well I have been here off and on before I was of age.
Q Do you own any property in the Cherokee Nation? A No, sir.
Q Have you always exerd sed the right of suffrage in the Cher okee Nation? A Yes, sir.
Q You have always drawn money from the Cherokee Nation? A Yes, sir.
Q Do you own any property in the Cherokee Nation? A No, sir.
Q You have never drawn money from the Creek Nation? A No, sir.
Q You are here in Muskogee for the purpose of making a living? A I have not been here all the time; I am in the Cherokee Nation part o f the timeQ F
Q What is the name of your father? A Franklin I suppose.
Q His given name? A I do not know his given name.
Q What was the name of your mother? A Pumpkin. They come here from Johnson County, Kansas, in about '78.
Q Was your father a white man? A Yes, sir.
Q Were you living in the Cherokee Nation 20 years ago? A Yes, sir.
Q With whom were you living in 1880? A Frazier.
Q What are his initials? A Dr. E. B.; I do not know whether they put me down as Franklin or Frazier; they call me that all the time.
1880 Roll; page 9, #11, Willie Frazier, Orphan Roll, Delaware.
Applicant:--I was working in St. Louis in 1896.
Q How long did you remain in St. Louis. A I was there three years.
Q When did you go there? A I went there in '95.
Q When did you return? A I returned in 1896, and went back again about May, 1896 and came back in December, 1897.
Q You were up there only two years? A I was there a little over two years.
1896 Roll; page 17, #353, Wm. Franklin, Pay roll of the Cherokee-Shawnee citizens Cherokee Nation, as dispubsed by Mr. D. W. Lipe.
Q How long has it been since you actually made your residence in the Cherokee Nation? A --It was in the Spring of '94.
Q Have you ever voted in the Cherokee Nation since you left there in '94? A No, sir.

COMMISSION: The applicant applies for the enrollment of him as a citizen of the Cherokee Nation of Shawnee blood: He is identified upon the authenticated roll of 1880 as an adopted Shawnee, under the name of Willie Frazier. He avers that at that time he was living with one E. B. Frazier. He is not identified upon the

William Franklin--2.

census roll of 1896. His name is found upon the Shawnee pay roll for the year 1894. Opposite his name on the pay roll for said year, appears the following note: "Dated January 12, 1897, D. W. Lipe, Treasurer, per Telegram dated 1-25-'97, from St. Louis. Draft forwarded by mail to St. Louis."

The applicant has not made his actual residence in the Cherokee Nation since the year 1894. He does not own any property in the Cherokee Nation; neither has he exercised the right of suffrage in the Cherokee Nation since the year 1894. He will be listed for enrollment as a citizen of the Cherokee Nation of Shawnee blood on what is known as a Doubtful card. When final judgment is rendered in his case, he will be notified at his post office address.

---oooOOOooo---

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 16th day of January, 1901.

Commissioner.

C.S.D. 1036

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C. D-1036

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of William Franklin for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

(Applicant's representative is J.R.Sequichie,Chelsea,I.T.)

BY COMMISSION: On the 27th day of February,1902, the applicant and his agent were notified by registered letter that his case being the application of himself for enrollment as a Cherokee citizen, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory,on the 15thday of March,1902. Receipt has been acknowledged by the Applicant and by his agent, J. R. Sequichie. On this the 15th day of March,1902, applicant and his agent having been called and failing to respond, the case is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographicnotes thereof.

M D Green

Cherokee D 1034.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Franklin for enrollment as a citizen of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on January 14, 1901, William Franklin appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment as a citizen of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 15, 1902.

The evidence shows that the applicant is thirty-two years of age and of Shawnee blood; that he is identified on the 1880 authenticated tribal roll of the Cherokee Nation as an adopted Shawnee, under the name of William Frazier. He took the name, Frazier, from one Doctor E. B. Frazier, with whom he was living in the Cherokee Nation in 1880. The applicant is further identified on the 1896 Shawnee pay roll under the name of William Franklin, which is his correct name.

The evidence further shows that the applicant has lived in the Cherokee Nation all of his life, except the last four years previous to making this application; that from 1895 to December 1897 he was employed most of his time in St. Louis, Missouri; that from December 1897 up to and including the date of this application he was a resident of Muskogee, Creek Nation, Indian Territory.

It is, therefore, the opinion of this Commission that William Franklin should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with Section Twenty-One of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1036.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of William Franklin for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 102.

Decision No. 103[illegible]

IN THE MATTER OF THE APPLICATION OF

William [illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

[illegible] testimony filed.

[illegible] examination on 1/14/01.

Application finally considered 3/15/02

Order [illegible] 1/20

[illegible]

Cherokee [illegible]

Cher D 1037

Cher D 1037

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DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 14th, 1901.

In the matter of the application of William A. Puryear for the enrollment of his children, FRANCIS M. PURYEAR et al., as citizens of the Cherokee Nation; said Puryear being sworn and examined testified as follow:

EXAMINATION BY THE COMMISSION:

Q What is your name? A William A Puryear.
Q How old are you? A I am 38 years old.
Q What is your post office adress? A Texana.
Q In the Cherokee Nation? A Yes, sir.
Q Do you reside in the Cherokee Nation? A Yes, sir.
Q For whom do you make application? A My wife and children.
Q Do you apply for yourself? A No, it would be useless, I married according to Cherokee law but since 1895.
Q Then you don't apply for yourself? A No, sir.
Q What is the name of your wife? A Florida L.
Q She is living? A No, sir.
Q What are the names of the children? A Francis M.
Q Is that a boy or girl? A Boy.
Q How old is this child? A He is 12 I think.
Q The next one? A The next one is nine.
Q What is itsname? A Hamilton Y.
; I married in Georgia before I come to this country.
Q Any more? A Mary A.
Q How old is she? A She's four years old.
Q Who is the mother of these children? A She was a Keith, Florida L. Keith before she was married.
Q She is dead? A Yes, sir.
Q When did she die? A She has been dead two years next February.
Q She was a Cherokee by blood A Yes, sir.
Q Does her name appear upon the roll of 1880? A No, sir.
Q Was she ever admitted to citizenship in the Cherokee Nation? A Yes, sir, the year before the strip payment.
Q Have you any evidence of her admission to citizenship? A No, not here with me unless you have the census rolls.
Q Did you go before the Council to have your wife admitted to citizenship here in the Cherokee Nation? A Yes, sir.
Q What was the action of the Council at that time, did they admit her? A Yes, sir.
Q Did they give you any evidence of that admission? A Yes, sir.
Q Did you draw strip money in 1894 for your wife and children? A Yes, sir.
Q When did you come to the Cherokee Nation? A It has been 11 years
Q Where did you live previous to that time? A Georgia.
Q Have you made your home here continuously for the past 11 years? A Yes, sir.
Q When were you married to your wife? A 15 years ago.
Q Were you ever remarried under the laws of the Cherokee Nation? A Yes, sir.
Q When was that? A Since 1895, I forget what year.

1896 Roll; page 56, #1536, Francis Puryear, Canadian.
1896 Roll; page 56, #1537, Hamilton, Puryear, Canadian.
1896 Roll; page 56, #1538, Mary Puryear, Canadian.

Q Are these children all alive and living with you at the present time? A Yes, sir.

1894 Roll; page 79 #1676, Francis M. Puryor, Canadian.
1894 Roll; page 79, #1677, Hamilton Z. Puryor, Canadian.

William A. Purycar--2.

Q Are these children living in the CherokeeNation at the present time? A Not now, no sir.
Q Where are they living? A In North Georgia.
Q How long have they been living in Georgia? A Two years next June.
Q They went there in June, 1899? A Yes, sir.
Q Have they always lived in the CherokeeNation previous to that time? A Yes, sir.
Q They were born and raised here? A Yes, sir, the oldest one was born in Georgia.
Q For what purpose are they in the State of Georgia? A They are there with my father and mother going to school, their grandfather and grandmother.

COMMISSION: The applicant applies for the enrollment of three children as citizens by blood of the Cherokee Nation; They are identified upon the census roll of 1896 according to the page and number as set forth in the testimony as native Cherokees. The two oldest children are identified upon the strip payment roll of 1894. The applicant avers that the oldest child was born in the State of Georgia. The other two were born in the Cherokee Nation, and they lived in the Cherokee Nation continuously until June, 1899, when they moved to Georgia for the purpose of attending school, where they have since resided. The applicant also avers that he was before married in the State of Georgia ~~and~~ about 15 years ago, and that he was remarried after coming to the Cherokee Nation in accordance with the laws and customs of the Cherokee Nation in August, 1897. He avers that his wife died about a ~~in~~ year ago, and that she was admitted to citizenship in the year 1894. He does not produce any satisfactory proof as to her admission to citizenship, consequently the children will be listed for enrollment as citizen by blood of the Cherokee Nation upon what is known as a Doubtful Card, and when the final judgment is rendered in their case the applicant will be notified in writing at his present post office address. He is desired to filed with the Commission satisfactory proof of the admission of his wife and children to citizenship in the Cherokee Nation in the year 1893.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 14th day of January, 1901.

Commissioner.

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Cherokee D-1037

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 29,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Francis M., Hamilton Y. and Mary A. Puryear for enrollment as citizens of the Cherokee Nation.

Appearances:
W.W.Hastings, for the Cherokee Nation.

JOEL M. KEITH, being sworn and examined, testified as follows:
BY COMMISSION:
Q What is your name? A Joel M. Keith.
Q How old are you? A 63.
Q What is your post-office? A Briartown.
Q Are you acquainted with the father of these children, William A. Puryear? A Yes sir.
Q Are you acquainted with his wife? A Yes sir, she was my wife's ~~xxxxx~~ daughter.
Q Are you the father of his wife? A Yes sir.
Q What was his wife's name? A Florida Keith.
Q Was she a Cherokee? A Yes sir.
Q Does she claim a right through her father or through her mother? A Through her mother.
Q Where was she born? A In ~~the Xxxxxx~~ Georgia.
Q When did she come to the Cherokee Nation? A In '89.
Q Was she married at that time to this man, the father of these children? A Yes sir.
Q After she came to the Cherokee Nation did she ever apply to the Cherokee National Council or Commissions on Citizenship for admission? A Yes sir.
Q About what year was that? A It was first in '91 and in '92 I put in a second petition.
Q Now what was done with the application that was made in '91, was it made to the Council or the Cherokee Commission on Citizenship? A I hired a man-
Q Who was the application made to, was it made to the Council? A Yes sir.
Q What action did they take in it? A They tabled the papers. and we heard nothing from them.
Q They never passed on them? A No sir, none of my children.
Q Then you made another application in '92? A Yes sir.
Q What was done with that application? A Well it went through, I started that application with six names of my children, all the six children by that woman that was living at that time.
Q What did the Council do with the application? A They passed it through with five names; now the first application I made there- I put down two petitions, the gentleman that made my petition argued that my family ought to be in one petition and his family in another; that was in '91; these petitions failed to go through, and in '92 I embodied all six of my children in the one application.
Q Was this man's wife included in the application in 1892? A Yes sir. When it went before the house it was all right, this gentleman that applied for me and made my petitions he was there and I told him to attend to my papers as I had him retained, for him to correct any mistakes there should be, and come before the Commission; he goes up and gets my petition, and leaves his out and consequently the petition went as five names- and the other six, and ~~xxxxxxxxxxxxxxxx~~ the committee didn't know it, Mr. Crittenden scratched off one name there.
Q Whose name did they scratch off, Florida L.'s name? A Florida L. is the one they told me, yes sir.

Q Who was that man Crittenden that scratched the name off of your petition? A He was a stranger to me, but then he was a man there at the Council making out petitions I suppose, a Cherokee Lawyer, and I employed him because he was a Cherokee and he would have more acquaintance than anybody else would there.
Q You employed him as your attorney? A Yes sir.
Q Were you and these other five children admitted to citizenship at that time? A The five children were and are on the rolls here.
Q But this man's wife was never admitted? A He was admitted by the full Council just before the payment; went to Col. T.J.Harris and asked him what to do, and he appointed a committee to investigate this matter and they went in Standing Gray's office in the Sawyer Hotel there at Tahlequah , I think that committee met with the clerk of that Council and there they heard my complaint and that clerk enrolled their names on the pay rolls that day and in that place, by consent of that committee. I went then to the Executive Office and I got a certificate with every one of these six children's names on it; after the payment my house was robbed and that certificate was gone.
Q What did that certificate certify about; that they were on the roll of 1894 and that they were entitled to the Strip money?
A That they was on the Pay roll.
Q It didn't certify that they were admitted by act of Council? A Well they were only by that Committee.
Q This second application that you made in 1894 was simply made to the committee, and was never made to the Council and passed on by the Council was it? A The Committee just rectified the mistake, that's what Col.said would be sufficient.
Q They simply put this man's wife's name, Florida's name on the payment roll? A Yes sir, they put her on that, and the mistake was rectified, and they gave me that certificate.

BY MR. HASTINGS:

Q That was just when the Strip payment was being made up? A Yes sir.
Q That was before one of them district committees, that the district committee you went to? A Yes sir.
Q That made up the Strip payment roll? A Yes sir, they put the names on the roll so as to rectify the mistake; that is what he said the committee was to do. That their name was takenoff through mistake.
Q This woman was living in Canadian District at that time? A Yes sir.
Q And this committee passed upon her application for that money? A Yes sir, and for enrollment as a citizen; I could get the clerk, living somewhere about Tahlequah to state about it.

FREEMAN KEITH being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A Freeman Keith.
Q How old are you? A 30 years old.
Q What is your post-office address? A Briartown.
Q Are you acquainted with William A. Puryear? A Yes sir.
Q How are you related to him? A He is a brother in law of mine.
Q Was his wife your sister? A Yes sir.
Q What's his wife's name? A Florida L. Keith.
Q Did you and this man's wife have the same father and mother? A Yes sir.
Q Are you older than his wife or younger? A No sir, she is older than I am.
Q Are you married? A Yes sir.
Q How long have you been married? A About nine years.
Q Were you married when you came to the Cherokee Nation? A No sir.

Q Did you come here with your father? A Yes sir.
Q About what time was that? A It was '89 I believe as well as I recollect.
Q Were you ever admitted to citizenship in the Cherokee Nation? A Yes sir, I registered before this Commission.
Q Was you r sister married at that time? A Yes sir.
Q Did you see the application which was made to the Council for admission to citizenship? A I don't believe I did; I never went up there with my father, he attended to that part of it.
Q Do you know whether your sister was admitted? A Yes sir.
Q Were you up thereat the tieme? A No I was not up there.
Q You don't know of your own knowle dge what action the Council took in this matter at all? A No sir, I don't; I was not there.

BY COMMISSION: This testimony will be filed and made a part of the record in Cherokee case No. D-1037.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 31,1902.

C. R. Breckinridge

Commissioner.

C.D. 1037

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C. D-1037

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of William A. Purpear for the enrollment of his children as Cherokee citizens.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of his children as Cherokee citizens would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March,1902.

On this the 15th day of March,1902, the applicant having been called and failing to respond, either in personer by attorney, the case is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D 1037.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Francis M. Puryear, Hamilton Y. Puryear and Mary A. Puryear as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 14, 1901, William A. Puryear appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of his minor children, Francis M. Puryear, Hamilton Y. Puryear and Mary A. Puryear, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 29, 1902.

The evidence shows that all the applicants are the minor children of one Florida L. Puryear by her husband, William A. Puryear, a white man, and that they claim their right to enrollment through said Florida L. Puryear. The evidence further shows that Florida L. Puryear came to the Cherokee Nation in 1889 from the State of Georgia.

The evidence further shows that neither Florida L. Puryear nor any of the applicants were ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, nor by the Commission to the Five Civilized Tribes, nor by the United States Court on appeal. Francis M. Puryear and Hamilton Y. Puryear are duly identified on the 1894 Strip payment roll of the Cherokee Nation, and all of the applicants are identified on the 1896 Census roll of said Nation.

It is, therefore, the opinion of this Commission that the names of Francis M. Puryear and Hamilton Y. Puryear are upon the 1894 Strip payment roll of the Cherokee Nation without authority of law; that the names of said Francis M. Puryear, Hamilton Y. Puryear and Mary A. Puryear are upon the 1896 Census roll of the Cherokee Nation without authority of law; and that the application for the enrollment of Francis M. Puryear, Hamilton Y. Puryear and Mary A. Puryear as citizens by blood of the Cherokee Nation should be denied, under the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED [illegible]
Acting Chairman.

SIGNED [illegible]
Commissioner.

SIGNED [illegible]
Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1027.

Muskogee, Indian Territory, November 24, 1902.

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of William A. Puryear for the enrollment of his three minor children, Francis E., Hamilton Y. and Mary A. Puryear, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. E-122.

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. F. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1037

ADDRESS ONLY THE
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 9, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of William A. Puryear for the enrollment of his three minor children, Francis M., Hamilton Y. and Mary A. Puryear, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 20, 1903.

Respectfully,

Chairman.

Decision D1037

Francis M. Bunyan Heir

[illegible]

[illegible] supplemental to Lunacy Jan 27/02

[illegible]

[illegible] consideration, 3/13/02

[illegible]

[illegible]

Cher D 1038

Cher D 1038

1038

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 19 1901

ACTING CHAIRMAN.

REJECTED, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 18th, 1901.

In the matter of the application of Joseph B. Cash for the enrollment of himself and child, SAMUEL A. CASH, as citizens of the Cherokee Nation; said Cash being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Joseph B. Cash.
Q How old are you, Mr. Cash? A 49.
Q What is your post office? A Muskogee.
Q In what district do you live? A I live here in Muskogee.
Q What district in the Cherokee Nation do you claim as your home? A Canadian, that's where I have lived most of the time.
Q Who is it you want to have enrolled, yourself and family? A Myself and two sons, I am an adopted citizen.
Q You are a white man are you? A Yes, sir.
Q You say your name is on the 1880 Roll? A Yes, sir.
Q How long have you been living in Muskogee? A I have been living in Muskogee a year last March.
Q What are you engaged in? A Well drilling.
Q Do you make your home at this time in Muskogee or in the Cherokee Nation? A I am making my home here in Muskogee at the present.
Q How do you keep identified with the Cherokee Nation; have you any interests over there? A No, sir, I have no interests in the Cherokee Nation.
Q Have you lived in the Cherokee Nation all the time down to last march, a year ago, since 1880? A No, sir, I have not been there all the time.
Q Where have you been? A Part of the time I have been in Texas.
Q Where were you when you were enrolled in 1880? A I was living in Delaware district.
Q How long did youcontinue to live in the Cherokee Nation? A I could not say exactly, something over a year.
Q And then where did you go? A I went to Texas.
Q How long did you stay there? A I could not answer that correctly I must have been there five or six years; four or five years.
Q And then what did you do? A I moved back to the Cherokee Nation
Q And how long did you stay here? A I have been here for ten years, I moved last June 10 years ago I think it was.
Q You came back from Texas? A Yes, sir.
Q Previous to that time you had been in Texas had you? A Yes, sir.
Q When you came back here did you apply for readmission to the CherokeeCommission or Council? A No, sir, I did not.
Q Is your Cherokee wife dead? A Yes, sir.
Q What was her name? A Her maiden name was Bane.
Q Full name please? A Mary, or Mary Ann Bane.
Q When did you marry her? A I was married to her in '74.
Q When did she die? A She died about two or three years after I went back to Texas; she was in bad health and that was the cause of our going to Texas.
Q Have you ever married since her death? A Yes, sir, I have been married twice since her death.
Q When were you married? A I married once in Texas and once in this country.
Q What was the name of the first woman you married after her death? A Her name was Bennie A. Hawkins.
Q About when did you marry her? A I could not tell you.
Q About how long after your wife died? A About two years.
Q Was she a white woman or Cherokee? A Yes, sir, white woman.
Q Is she dead? A Yes, sir.
Q About how long has she been dead? A A little over a year.

Q And you have remarried since her death? A Yes, sir.
Q Are you living now with the wife you married after the death of Bennie Hawkins? A Yes, sir.
Q Give me the name of this present wife? A Her name is Dosha Fooy, that was the name of her husband, she had been married.
Q Is she a white woman? A Yes, sir.
Q You have recently married her? A Yes, sir, she was a white woman and adopted citizen of the Cherokee Nation also.
Q What was the name of her husband, Fooy? A I believe he signs his name, S. W., but I ain't sure; he is known as Sunny Fooy by everybody.
Q He is dead is he? A No, sir.
Q He is a Cherokee is he? A Yes, sir.
Q Did you make your home regularly in Texas while you were down there? A Yes, sir, I made that my home.
Q Carried all your effects down there? A Well pretty well.
Q You lived there and had a family? A I farmed down there.
Q Did you vote at the elections? A I don't remember whether I voted or not.
Q Did not you consider yourself a citizen of Texas at the time you were living down there? A Well when I moved there I went there for my wife's health and of course we calculated that our home. When we went there I did not go there with the calculation of staying there. Her health failing her and being sick so long; when she died that left me in almost a destitute condition with some small children. I staid there for quite a while; was not able to get away.
Q Now, these children, are they the children of your first wife? A yes, sir.
Q Now, give me their names please? A John A Cash.
Q How old is that child? A He must be 22 years I think.
Q Where is he? A I could not tell you where he is at present.
Comr: He must apply for himself.
Q Give me the name of the next child? A Sam, or Sam A.
Q How old is he? A He is 20 years old.
Q You do not know where Sam is now? A No, sir, I got a letter from him a couple of months ago, he was at Wilburton.
Q Where is Wilburton, its in the Indian Territory is not it? A yes, sir.
Q Did Sam come back with you from Texas? A No, sir, he had been here for a long while with his uncle before I come.
Q He has been living here ever since that time? A Yes, this has been his home all the time.
Q When did you hear from him last? A It has been a month or two perhaps.
Q Whom is he living with? A He did not say, he said he was at work.
Q So you do not know for certain whether Sam is alive or not? A I do not know for positive, It might have been a month; I am looking for mail from him at any time. I have not say him since along in the Summer, and I told him that he ought to be here when they was enrolling and he said for me to enroll him.
1896 Roll; page 14, #408, Samuel Cash, Canadian.
(Note:--Enrolled with #1710) #1710 is Danner W. Reeves.
Q Now, this Danner W. Reeves was he your wife's brother? A He was my wife's half brother.
Q Kin on the father or mother's side? A Mother's side.
Q Was that mother a Cherokee by blood? A Yes, sir.
Q Whenewere you and yourfirst wife married? A We were married in Texas.
Q Now, it appears from your testimony that her half brother, Mr. Reeves, was admitted to citizenship by the Cherokee Commission;

was your wife admitted when she came here from Texas? A Yes, sir.
Q Have you a certificate of her admission? A No, sir, we was admitted in the Fall of '79.
Q Under what name was she admitted? A Unde r my name I suppose.
Q Did your wife and her half brother come here at the same time?
A No, sir, my wife and her mother come here at the same time.
Q Her maiden name was Banc? A My wife's yes, si r.
Q Had she been married before she married you? A No, sir.
Q What was her mother's full name? A Elizabeth.
Q And her mother's brother was admitted at the same time too; have you never had the certificate of your wi fe's admission? A No, sir.
INTERROG ATORIES BY W. W. HASTINGS, Cherokee Representative:
Q About what time did Sam return to the Cherokee Nation as near as you can remember? A I could not.
Q About how long after his mother's death in Texas; how long before you come from down there? A I do not know, how long he had been here before I moved from there, a year or two.
BY THE COMMISSION:
Q Where was Sam born? A Born here.
Q In the Indian Territory? A He was born in Muskogee. I was living in Canadian district and I come to Muskogee and staid until after his mother was well.
BY W. W. HASTINGS:
Q How long did you stay after that child was born in Muskogee? A About a year.
Q You stated that that child was born in March of 1880 A Yes, sir.
Q You testified in particular that you give in your name to the census taker in 1880? A Yes, sir.
Q How could you have been living in Muskogee? A I was not living at Muskogee; I lived here in the Cherokee Nation:

Com'r Breckinridge:--The applicant applies for the enrollment of himself and two sons: The older son it devolops is 22 years of age and it will be necessary for him to apply for himself and consequently no proceedings is had with reference to th e applicantion for his enrollment: As for the applicant himself, he is not identified upon any roll of the Cherokee Nation, nor is there any evidence that he has ever been admitted or recogni ed as a Cherokee citizen, consequently this Commission has no jurisdiction over his application and only a memorandum can be made of the application for himself. If he desires this memordandum reported to the Secretary of the Interior, that action will be taken upon the receipt of a written request to that effect. The name of his younger son, Sam A. Cash, is identified on the roll of 1896. He is said to be living at this time somethere in the Cherokee Nation, though the information in regard to this is somewhat indefinit. It is claimed by that applicant that child child's mother was admitted to citizenship by the Cherokee Commission on Citizenship in 1879, and that she lived in the Cherokee Nation until after this child's birth. He is not able to establish the fact of the admission of the child's mother at this time. To await further evidence upon this point, this child, Sam A. Cash, will now be listed for enrollment as a Cherokee by blood on a doubtfu l card and the applicant is desired to procure an official copy of the Cherokee Council or other authorities admitting, as he states, this chi ld's mother to citizenship and supply this Commission with that information.

---oooOOOooo---

Joseph B. Cash--4.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 16th day of January, 1901.

Commissioner.

D. 1038

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 13 1901

ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY, CASE "D" #1038.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 8th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF SAMUEL A CASH AS A CITIZEN OF THE CHEROKEE NATION, CASE "D" #1038.
Joseph B. Cash, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Joseph B. Cash.
Q You want to supply some information in regard to the enrollment of your son, Samuel A. Cash? A Yes sir.
Q You appeared before the Commission January 15th at this place?
A I do not know what day; it was at this place though.
Q At the time you appeared, you did not know the whereabouts of your son, Sam A. Cash? A No sir, I did not.
Q Do you know where he is now? A No sir; I have not heard from him.
Q When did you hear from him last? A I can not say positively; it may be six weeks; mayby longer; mayby not so long.
Q How old is he? A He is twenty I think.
Q Where was he when you heard from him, say six weeks ago?
A At Wilburton, Indian Territory.
Q What was he doing? A He said he was at work, but he did not say what kind of work.
Q You have not heard from him since you were here last? A No sir.
Q You then stated that it was two months? A Well, I can not say; it might have been two months, or more, or it may have been not so long.
Q What did you say was the name of your wife, the mother of this child? A Mary Ann Cash.

Com'r. C. R. Breckinridge: The applicant presents an official copy of an Act of the Cherokee Council, approved December 6th, 1879, admitting to citizenship, among others, Mary Ann Cash. This is accepted as satisfactory evidence of her admission as stated, and this document is filed herewith.

This testimony will be filed as additional testimony in Case "D" #1038. The readmission of the mother of the said Sam A. Cash is supplied, but it is desired in view of the testimony in this case to have further evidence of the said Sam A. Cash being alive at the time of the application for his enrollment.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of Febuary, A. D., 1901.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 20 1902

ACTING CHAIRMAN

8 & 91 (Pt. 2)

R

C. D-1038

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Samuel A. Cash for the enrollment of himself as a Cherokee citizen.

Appearances:
Joseph B. Cash, applicant's father, for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant's father, Joseph B. Cash, was notified by registered letter February 27th,1902 that the application of his son Samual A. Cash for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commissionat its offices in Muskogee, Indian Territory, on the 15th day of March,1902. Receipt has been acknowledged of the Commission's letter, and the applicant's father this day to-wit: the 15th day of March, 1902, appears in person.

JOSEPH B. CASH, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Joseph B. Cash.
Q How old are you? A 50.
Q What is your post-office address? A Muskogee.
Q Are you the father of Samuel A. Cash? A Yes sir.
Q Youhave heretofore made application to this Commission for his enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q Where is this boy of yours now? A He was downon Red River when I got the last,- that is the last time I heard from him, in February, since I got this letter I have never been able to hear from him.
Q When did you hear from him? A It was sometime in February I got the letter, it was written on the first.
Q You don't know of your own knowledge whether this boy is alive? A Only from letters, I get letters from him all the time. To the best of my knowledge it is his own handwriting.
Q When was the last time you saw this boy? A Not since before I made this application; it has been a year last summer since I saw him.
Q Was he in the Indian Territory the last time you heard from him? A Last time I heard from him; the letter was mailed at Albany, Texas.
Q That is just right on Red Rive r? A Yes sir, right across the river.
Q Have you any reason to believe that this boy is not alive? A No sir, I am satisfied he is living, so far as that is concerned.
Q Any further statement you desire to make relative to his enrollment? A No sir, nothing more than I spoke about the document I got from Tahlequah, then I have some other witnesses.
Q You couldn't prove by these witnesses that this boy is living? A No sir, all it would be would be just to prove that he had a right to be enrolled.
Q You submit the case in behalf of your son to the Commission for final decision? A Yes sir.

BY COMMISSION: Joseph B. Cash in behalf of his son, Samuel A. Cash, submits the case, and the representative of the Cherokee Nation submits the case; same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D 1038.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph B. Cash for enrollment of his son, Samuel A. Cash, as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 15, 1901 Joseph B. Cash appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment of his son, Samuel A. Cash, as a citizen by blood of the Cherokee Nation. Said Joseph B. Cash is also included in said application, but is differently classified and not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory February 8, 1901 and March 15, 1902.

The evidence shows that the applicant, Samuel A. Cash, is twenty years of age and is a Cherokee by blood; that he is identified on the 1896 census roll and that prior to his birth his mother, Mary A. Cash, a Native Cherokee, was re-admitted to citizenship by an Act of the National Council of the Cherokee Nation, approved December 6, 1879; that the applicant's mother was the first wife of his father, Joseph B. Cash, a white man; that some years after her re-admission to citizenship in 1879 as aforesaid, she died in the State of Texas, while there temporarily for her health.

The evidence further shows that the applicant was a resident of the Cherokee Nation at the time of the making of this application, and for about seventeen years prior thereto.

It is, therefore, the opinion of this Commission that Samuel A. Cash should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON T. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1038.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Joseph B. Cash for the enrollment of his son, Samuel A. Cash, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 103.

Decision

D 1038

IN THE MATTER OF THE APPLICATION OF

[illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS

[illegible] 6/15/01

[illegible] 9/8/01.

[illegible] Application

[illegible] 7/15/02

[illegible]

[illegible] 9/16

Cher D 1039

Cher D 1039

19 1039 1039

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 16 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 17, 1900.

In the matter of the application of Gabe Rogers for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Gabe Rogers.
Q How old are you? A I was about eight or nine years old when the war commenced.
Q What is your post-office? A Melvin.
Q In what district do you live? A Tahlequah District.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir
Q Who do you want to enroll? A Myself.
Q Have you got a family? A I did have; my family are all enrolled; I had a family, the woman was named Nettie, and there was one child named Susie.
1880 roll page 168 #2508 Gabe Rogers Coowescoowee "adopted colored"
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Born in the Cherokee Nation? A Yes sir.
Q Living here now? A Yes sir.
1896 roll examined for applicant and not found;

Com'r: Needles: The name of Gabe Rogers appears upon the authenticated roll of 1880; he is duly identified according to page and number of the roll as indicated in the testimony; he makes satisfactory proof as to residence, consequently said Gabe Rogers will be duly listed for enrollment as a Cherokee citizen by blood.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this December 19, 1900.

Commissioner.

Supl.-Gabe Rogers-2.

I know.

Q. Do you know whether they were brothers? A. They were called brothers.

Q. Joe Rogers lives in this district? A. Yes, sir.

Q. He is a colored man? A. Yes, sir.

Q. Recognized in the country? A. Yes, sir.

Q. Gibson, I ask you first that question, states that as a stenographer in the Court in the Chickasaw Nation, he correctly recorded the testimony in proceedings in this case, and that the foregoing is a true and complete transcript of the testimony given in notes thereof.

Subscribed and sworn to before me this 11th day of January, 1901.

Commissioner

FILED
JAN 10 1901
IN THE COURT OF THE
ON TO THE FIVE CIVILIZED TRIBES.
CHAIRMAN

1039

S U U P P L E M E N T A L T E S T I M O N Y .

#6875.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 19th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of Gabe Rogers for enrollment as a citizen of the Cherokee Nation:

STEPHEN SPEARS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Stephen Spears.
Q What is your age? A 60.
Q What is your post office? A Tahlequah.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q Do you know Gabe Rogers? A Yes, sir.
Q His post offi ce is Melvin? A Yes, sir.
Q His name is found upon the 1880 roll and marked "colored" do you know whether that is correct or not? A I think it is; he has got se me brothers that never claimed Cherokee.
Q Do you know Gabe Roger's mother? A I knowed her just when the War broke out.
Q Was she part colored? A Yes, sir.
Q Do you know whether she was part Cherokee or not? A I think she was part Creek.
Q Did you know his father? A I guess I did--Bill Rogers.
Q He was Cherokee? A Yes, sir.
Q Has Gabe any brothers? A He had three besides himself.
Q Name some of them? A Cephus and Joseph.
Q Joseph Rogers had a wife by the name of Maggie and family? A Yes, sir.

1880 Roll; page 802, #1948, Joseph Rogers, Freedmen Roll, Tahlequah district.

Q You know this Gabe Rogers to be the full brother of Joseph Rogers? A Yes, sir, Gabe, and then there is another one, I think they call him Dick.

BY COMMISSIONER NEEDLES;

Q Was his mother a slave before the Civil War? A I do not know, I just knew her at the commencing of the War, she was living with a black man, Sam Wefford.

BY. W. W. HASTINGS, Cherokee Representative:

Q That's this fellow's step-father? A Yes, sir.

HENRY C. BARNES, being sworn and examined by Commissioner Needles, testified as follows:

Q Your name is? A Henry C. Barnes.
Q Your post office address? A Tahlequah, 56 years old.
Q Your district? A Tahlequah district.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q Do you know Gabe Rogers? A Yes, sir.
Q Do you know his mother? A No; I do not know his mother; I knew his brothers.
Q Do you know whether he had a brother by the name of Joe Rogers? A Yes, sir; there was a Joe Rogers and Ceaf Rogers and Gabe Rogers

I knew.
Q Do you know whether they were brothers? A They were called brothers.
Q Joe Rogers lives in this district? A Yes, sir.
Q He is a colored man? A Yes, sir.
Q So recognized in the country? A Yes, sir.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of January, 1901.

C. R. Breckinridge

Commissioner

1039

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 19 1901

S U P P L E M E N T A L T E S T I M O N Y .

D #1039.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Gabe Rogers for enrollment as a citizen of the Cherokee Nation; said Gabe Rogers being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name there, please? A Gabe Rogers.
Q Give me your ~~full~~ age? A I was about eight or ten years old when the War begin.
Q What is your post office? A Melvin.
Q In what district do you live? A Tahlequ ah.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q What was your mother's name? A Her name was Louisa, the wild indians killer her in time of the War.
Q What was your father's name? A Will Rogers.
Q Mr. Rogers, was your mother part colored? A She may have been from her looks I guess she was.
Q What relation, if any, are you to Joseph Rogers? A They claimed us to be brothers.
Q You have recognized it; you have always recognized him as your brother? A Some how or another we got separated in the drawing; they kept him on one side and me on the other. I never got to draw any money at all.
Q You have recognized Joe Rogers as your brother? A Yes, sir.
Q You had another brother by the name of Cephus Rogers? A Yes, sir.
Q He is your full brother? A I could not testify.
Q You recognized him as such? A Yes, sir.
Q Joe Rogers is on the colored roll? A Yes, sir.
Q Cephus Rogers is also on the colored roll? A He says they have got him on the doubtful roll.
Q Joe Rogers has always been recognized as a colored citizen? A Yes, sir, I guess he is.
Q Cephus Rogers has also been recognized as a colored citizen, is that a fact? A It must be, that is what they had him.
Q Do you remember your mother? A I remember her some, yes, sir.
Q About how old were you when she was killed? A That was just about the time the War come up, when the War begin.
Q You were about eight or ten years of age? A Yes, sir, I was with my Aunt; when Will Rogers did we drawed part of his estate as well as the balance of them, and after he died that left us alone and nobody to see after us.
Q Let me ask you, Mr. Rogers, whether or not your mother was a slave before the War? A No, sir, she was not a slave.
Q Did you and Joe and Cephus have the same mother? A Them claim that me and Joe and Cephus had the same mother and father.

by COMMISSIONER BRECKINRIDGE:

Q Where were you in 1896, four years ago? A I was at home, up on Grand river.
Q Why are you not on the roll of 1896? A I did not go down there I was sick.
Q You have lived in the Cherokee Nation all your life have you? A Yes, sir, I guess I was bred and born here.

Gabe Rogers--2.

Q You never lived anywhere else? A No, sir.
Q Do you clai m that your mother had some Cherokee blood in her?
A I am not able to say. She come with my father to this country he was an old settler in this country.
Q Where from Georgia or North Carolina? A Georgia, at his death he had lots of slaves. We was free up to that date.
Q Your mother was not a slave? A No, sir.

BY W. W. HASTINGS;

Q You admitted that she must to have been part colored? A Yes, sir, she must to have been.

BY COM'R BRECKINRIDGE:

Q Do you know anything a bout her mother? A No, sir, she ain't got a connection in the Cherokee Nation outside of her family.

1896 Roll; page 1231, #448, Gabe Rogers, Freedmen Roll, Tahlequah.

Com'r Breckinridge:--It appears from the testimony just taken and from the supplemental testimony taken on December 19th, 1900, in this case that the applicant was improperly classed, as set forth on Card #6875; he being identified on the roll of 1880 as a Cherokee Freedman and also being now identified on the roll of 1896 in the same category, and the supplemental testimony strongly confirming this testimony of the ro lls; therefore, it is ordered that Card #6875 be cancelled and a new card issued in lieu thereof, which will be a doubtful card, for the further consideration of the classification of the applicant; that is, whether he shall be classed as a Freedman or Cherokee by blood. There being no question as to his citizenship and attention will be called upon the doubtful card t o the supplemental testimony of December 19th, 1900 and of that taken this day.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17th day of January, 1901.

Commissioner.

C.D. 1039

FILED
20 1902

ACTING CHAIRMAN

R

C. B-1039

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Gabe Rogers for the enrollment of himself as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter on the 27th day of February,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March,1902.

On this the 15th day of March,1902, the applicant having been called and failing to respond, either inperson or by attorney, the case is deemed completed and will be reported to the Commissionfor final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D 1039.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Gabe Rogers for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 17, 1900, Gabe Rogers appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory on December 19, 1900 and at Muskogee, Indian Territory on January 15, 1901 and March 15, 1902.

The evidence in this case shows that the applicant is a Cherokee by blood; that he is identified on the 1880 authenticated tribal roll of the Cherokee Nation as an "adopted colored." He is also identified on the 1896 Freedman Roll, Tahlequah District, but was evidently placed on said roll by mistake, instead of the 1896 census roll, where he rightfully belongs.

Applicant has resided in the Cherokee Nation all of his life.

It is, therefore, the opinion of this Commission that Gabe Rogers should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-One of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1039.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Gabe Rogers for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 17.

D 1039

Decision

Hale (Rogers)

[illegible]

[illegible]

[illegible]

Cher D 1040

Cher D 1040

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 15, 1901.

In the matter of the application of Sarah Fox for the enrollment of three children as Cherokee citizens; she being sworn and examined by Commissioner C.R.Breckinridge, testified as follows:

Q Give me your full name. A Sarah Fox.
Q How old are you? A About 65.
Q What is your postoffice? A Fort Gibson. I live here in Muskogee now.
Q Muskogee now? A Yes sir.
Q In what District do you live in - do you live in the Cherokee Nation? A Yes sir.
Q Do you live in Canadian district? A Yes sir.
Q Who is it you want to enroll: yourself? A Myself and children.
Q No husband, have you? A No, he's dead.
Q How many children have you? A Five children.
Q Are these children and under 21 years of age? A Part of them under age.
Q You don't apply for those over 21; how many have you got under 21? A Three.
Q Are you a Cherokee by blood? A Yes, I am part of it.
Q Do you claim to have Cherokee blood in you? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have lived there ever since the great war.
Q How long has your husband been dead? A About 13 years.
Q What is his name? A Creek Jim Fox.
Q Now in these children, you have got one named Dave, born in 1880. He is 20 years old, isn' he? A Yes.
Q This copy out of the family record says that Susie Fox was born in 1883; she's 17? A Yes.
Q And Lucinda was born in 1886; she was 14 then, is that right? A Yes.
Q Is that the youngest one? A Yes, she is the youngest one.
Q These children all three living, are they? A Yes sir.
1880 roll; page 344, #944 Sarah Jim, Illinois district.
1880 roll; page 345, #979, Dave Jim, Illinois district.
1896 roll; page 859, #676, Sarah Fox, Illinois district.(on the roll as a Creek).

By W.W.Hastings, representative of the Cherokee Nation-
Q Are you part Creek and part Cherokee? A Yes sir.
Q Have you been enrolled on the Creek roll? A Yes sir.
Q You have been enrolled ~~on the Creek roll? A Yes sir,~~ and you want your children enrolled now? A Yes sir. (redirect)
1896 roll; page 859, #680, Dave Fox, Illinois district (Creek)
1896 roll; page 859, #681, Susie " " " "
1896 roll; page 859, #683, Cynthia" " " "
Q You don't want to be enrolled yourself as a Cherokee: you just want these three children enrolled, is that it? A Yes sir.
Q You just want these children put on the Cherokee roll: you don't want to go on it yourself? A No sir.
Q All these three children living with you at this time in the Cherokee Nation? A Yes sir.
Q Have they always lived with you? A Yes, they always have.

By W.W.Hastings-
Q Did you apply to have these children enrolled as Creeks? A Yes sir.

re-direct.
Q You have applied to have these three children put down as Creeks, have you? A Yes, they never was put down.

Commissioner Breckinridge-
The applicant applies for the enrollment of three of her

2- S.F.

children, who are minors. She is identified on the roll of 1880 as a native Cherokee, and on the roll of 1896 as a Creek. She states that she has lived in the Cherokee Nation ever since the Civil War, and that she has applied for the enrollment of these three children as Creeks, but it does not appear that any definite decision has been reached in regard to that application. The record in connection therewith is not consulted just at this moment. The oldest child, Dave Fox, is identified on the roll of 1880 as a Cherokee, and on the 1896 roll as a Creek. The child, Susie, is identified on the roll of 1896 as a Creek, and likewise the child, Lucinda; they are living now. All three of these children are said to be now living with their mother in the Cherokee Nation, and to have so lived continuously since their birth. In order to consult the status of the Creek roll, these children will now be listed as Cherokees by blood, but upon a doubtful card, and the final decision will be made known to the applicant at her postoffice address.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 16th day of January, 1901.

D. E. Lee

Commissioner.

D1040

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 23 1901

ACTING CHAIRMAN

S U P P L E M E N T A L T E S T I M O N Y.

D. #1040.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 21st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of DAVID, SUSAN and LUCINDA FOX, as citizens of the Cherokee Nation:

SARAH FOX, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sarah Fox.
Q What is your age? A Over 50.
Q What is your post office? A Muskogee here.
Q Where do you reside? A I live out five miles from here.
Q Canadian district? A Yes, sir.
Q Now who do you desire to have enrolled as Cherokees? A All these children.
Q David and Susan and Lucinda? A Yes, sir.
Q How old is David? A I think he is 20.
Q How old is Susan? A She is 17.
Q How old is Lucinda? A 14.
Q Are you a Cherokee by blood? A I am half Cherokee and half Creek.
Q What was your mother? A She was a Creek Indian.
Q Your father was a Cherokee? A Yes, sir.
Q You elect for these three minor children of yours to be enrolled as Cherokees or Creeks? A Cherokees.

Com'r Needles:--Sarah Fox appears and elects that her three children, David, Susan and Lucinda, be enrolled as Cherokees citizens and reference is made to the original testimony in the case.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 2nd day of February, 1901.

Commissioner.

Cherokee D 1040.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Fox for enrollment of her children, Dave Fox, Susie Fox and Lucinda Fox, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 15, 1901 Sarah Fox appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment of her children, Dave Fox, Susie Fox and Lucinda Fox, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory February 21, 1901 and March 15, 1902.

The evidence shows that the applicants are Cherokees by blood; that their mother, Sarah Fox, and the said Dave Fox are identified on the 1880 authenticated tribal roll as Native Cherokees, and that all of the applicants are also identified on the 1896 Cherokee census roll as Creeks.

The evidence further shows that the applicants were minors at the time of the making of this application and that their father has been dead about thirteen years; that their mother has lived in the Cherokee Nation all of her life and that they have resided with her continuously since their birth.

It is, therefore, the opinion of this Commission that Dave Fox, Susie Fox and Lucinda Fox should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1040.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Sarah Fox for the enrollment of her minor children, Dave, Susie and Lucinda Fox, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 104.

D 1049

Decision

IN THE MATTER OF THE APPLICATION OF

Dave Six et al

CHEROKEE ROLL

[illegible] testimony [illegible] 1901

[illegible] [illegible] 1901

Supplemental testimony [illegible] 1901

[illegible] 1/13/02

Not [illegible]

Cher D 1041

Cher D 1041

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901.

ACTING CHAIRMAN.

R-

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 15, 1901.

In the matter of the application of Maggie Zufall for the enrollment of herself, husband and children as Cherokee citizens; she being sworn, and examined by the Commission, testified as follows:

Q What is your name? A Maggie Zufall.
Q What is your age? A 46.
Q What is your postoffice address? A Muskogee.
Q For whom do you make application; anyone besides yourself? A My husband, and me, and children.
Q How many children? A Six.
Q Are you a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A I don't know; a quarter, I guess.
Q How long have you lived here in the Creek Nation? A We have been here off and on for about 26 years. Our home is in the Cherokee Nation, but our business is here.
Q What is the name of your father? A Jack Cobb.
Q Is he living? A No, he's dead.
Q Was he a Cherokee? A No, he was a white man.
Q What is the name of your mother? A Lucy Victory.
Q Is your mother living? A No sir.
Q Was she a Cherokee? A Yes sir.
Q What district were you enrolled in twenty years ago? A Canadian district.
Q Were you enrolled in the same district in 1896? A Yes sir.
Q What is the name of your husband? A George Zufall.
Q How old is he? A He's 61.
Q He's living at the present time, is he? A Yes sir.
Q Is your husband a white man? A Yes, he's German.
Q When were you married to him? A Married in '73.
Q Were you ever married before you married him? A No sir.
Q Was he? A No sir.
Q You have lived together continuously since that time? A Yes sir.
Q What is thename of the oldest child under 21 and unmarried?
A Pearl E.
Q How old is she? A 21.
Q The next child? A Oscar O.
Q How old is he? A He's 19.
Q The next child? A Maggie.
Q How old is she? A She's 17.
Q The next child? A Benjamin H.
Q How old is he? A He's 13.
Q Next child? A Grace A.
Q How old is she? A She's 10.
Q The next child? A Herbert, 8.
Q These children are all alive and living with you at the present time? A Yes sir.
Q Any of these children born in the Cherokee Nation? A No sir.
Q All born here in the Creek Nation? A Yes sir.
Q Do you own any property in the Cherokee Nation? A Yes, we got two farms in the Cherokee Nation.
Q Do you derive any rents from those farms? A Yes sir.
Q You have property in the Creek Nation? A No sir, only our home.
Q Did you draw money from the Creek tribe of Indians? A No sir.
Q Have you drawn from the Cherokees? A Yes sir.
Q Were you, or your husband everadmitted to citizenship here in the Cherokee Nation? A No, we never was out to be readmitted. We always lived up to the laws, and always had property and paid our tax in the Cherokee Nation.
Q You know whether or not you were enrolled in 1880? A No, because we wasn't ever there at the time, I guess is the reason. They never came out of the Nation.

Q Did you apply for enrollment at that time? A No, we didn't know anything about it. They never notified us; we are on all the rest of the roll except that roll.
Q Did you draw strip money in 1894? A Yes sir.

Commission- The roll of 1880 examined and names of applicants not found.

1896 roll; page 83, #2312, Maggie Zufall, Canadian district.
1896 roll; page 95, #322, George Zufall, Canadian district.
83, #2315, Pearl Zufall, " "
83, #2316, Otto " " "
83, #2317, Maggie " Jr. "
83, #2318, Benjamin " "
83, #2319, Grace " "
83, #2320, Herbert " "

Q Did I understand you to say that for the past 26 years, you have been making your home continuously here in the Creek Nation? A No, we lived down there part of the time, and here part of the time. My husband's business is here.
Q How long has it been since you actually resided in the Cherokee Nation; since you have been over there to live? A Been off and on there all the time.
Q You maintain a home over there? A We got a home there, and a home here. We have a house where our place of business is. We never been anywhere but there. We sometimes spend the summer there and sometimes the winter here.
Q You stated that neither you, nor your husband, ever applied for readmission to citizenship? A No sir.
Q Were you born in the Cherokee Nation? A No sir, I was born in Georgia.
Q When did you come to the Cherokee Nation? A Since I was three years old.
Q And since that time you lived here continuously? A Yes sir.
Q Have you any evidence of your marriage to your husband? A We can only furnish witnesses. We don't know anything about the licenses; they say they were never turned in. We supposed it was on record, and found it wasn't.

Commission-
The applicant applies for the enrollment of herself and six children as citizens by blood of the Cherokee Nation, and for the enrollment of her husband as a citizen by intermarriage of the Cherokee Nation. She avers that she came to the Cherokee Nation when three years of age, and has been living here continuously since that time. She is not identified upon the authenticated roll of 1880. She was living in the Creek Nation at that time and didn't apply to the Cherokee tribal authorities for enrollment in the year 1880. She is identified upon the Census roll of 1896 as a native Cherokee. She avers that she was married in the year 1873 to her present husband, and they have been living together continuously since that time, and neither of them had ever been previously married. Her husband is identified with her on the Census roll of 1896 as an adopted white. The six children enumerated in the testimony are identified with their mother on the Census roll of 1896 as native Cherokees. For the reason that neither the applicant nor her husband are identified on the authenticated roll of 1880, and for the furtherreason that they have been during the past 26 years residing the greater part of the time in the Creek Nation, they will be listed for enrollment as citizens by blood upon what is known as a doubtful card, and the husband, George Zufall, will be listed for enrollment as a citizen by intermarriage.

M.Z. R-

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 16th day of January, 1904.

Commissioner.

D1041

IN THE CIVIL
FILED
MAR 31 1902

[illegible]

[illegible]

[illegible]

Cherokee D-1041.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 18,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of George Zufall for the enrollment of himself, wife and children as Cherokee citizens.

TESTIMONY ON BEHALF OF APPLICANTS.

BY COMMISSIONER: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 17th day of March,1902; receipt has been acknowledged of the Commission's letter, andon this the 18th day of March, 1902, applicants appear in person, this case having been continued over from the 17th.

JOSHUA ROSS, being first duly sworn, and being examined, testified as follows:

Appearances:
Applicants in person;
W.W.Hastings, attorney for Cherokee Nation.

BY COMMISSIONER NEEDLES:
Q What is your name? A Joshua Ross.
Q What is your age? A 69 years.
Q Whatis your post-office? A Muskogee.
Q Please state what you may know about the citizenship of Mrs. Zufall? A In 1873 I made out papers asking signers, getting signers to givecitizenship to George Zufall and his wife Mrs. Zufall. And I know that they were married October, 1873. And that they have lived together as man and wife ever since. That they had made a place over in Canadian District. George Zufall's business has been here most all the time; he has lived there and has lived here. He is a blacksmith, and has raised a large family of children I know. I know ~~their~~ ~~parents~~ that she is a Cherokee Indian, and that he was married according to Cherokee law.
Q How do you know he was married according to Cherokee law?
A Because he got the signers there and they presented it to the clerk.
Q Did you ever see the license? A No sir, I never saw the license.
Q What do you know about her citizenship? A Well I know she was a Cherokee Indian.
Q You don't know that she was ever admitted by any act of council?
A No I don't know anything about that; I got acquainted withher here in 1872 or '3, as a Cherokee Indian.
Q Been recognized to yourknowledge as a Cherokee citizen since that time? A Yes sir.
BY MR. HASTINGS:
Q Where was she living when you first knew her? A Living here in Muskogee, but her relatives were living near Fort Gibson.
Q That is about all you know about it? A Yes sir, that's all I know.

ANNIE ELLIOTT BEING FIRST DULY SWORN AND BEING EXAMINED TESTIFIED AS FOLLOWS:
BY COMMISSIONER NEEDLES:
Q What is your name? A Annie Elliott.
Q Whatis your age? A 53.

Q Where do you live? A In Muskogee.
Q You know Mrs. Maggie Zufall? A Yes sir.
Q You know anything about her citizenship? A She was always considered as a citizen of the Cherokee Nation, a Cherokee.
Q Are you a citizen of the Cherokee Nation yourself? A Yes sir.
Q You know anything about her marriage to Mr. Zufall? A I was present at her marriage.
Q When was that? A In 1873.
Q You know whether they had a license from the Cherokee authorities? A Why, no sir, I know the Judge of the Canadian District married them; Judge Taylor.
Q They been living together continuously since that time as man and wife? A Yes sir.
Q You know whether Mrs. Zufall was ever admitted as a Cherokee citizen by the Cherokee authorities? A She never was out to be admitted. She has always been here; considered a Cherokee.
Q You know whether her name is on the 1880 roll or not?
A I don't know, it ought to be, but she says they couldn't find it.
Q What was her maiden name? A Cobb.

BY MR. HASTINGS:

Q Where did you first know her Mrs. Elliott? A I knew her out in Canadian about Brushy Mountain, and Checotah.
Q How long before her marriage was that? A I knew her about a year before she was married; I knew the family.
Q You didn't have any personal knowledge of her before that time? A No sir.
Q Were you present at her marriage and know the Judge of the district married her? A Yes sir.
Q Been living in Muskogee since that time? A Oh I think she lived in the Cherokee Nation a while.
Q Most of the time in Muskogee? A Yes sir; they have always had a place.
Q What is her father's name? A Cobb.
Q You know his first name? A No sir.
Q You know her mother's name? A No sir.

SIM GARLAND, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER NEEDLES:

Q What is your name? A Sim Garland.
Q What is your age? A 48.
Q What is your post office address? A Muskogee.
Q What is your nationality? A Choctaw.
Q Do you know Maggie Zufall? A I have known her ever since 1870 I think.
Q You know anything about her Cherokee citizenship? A Well she was always considered a Cherokee ever since I knew her, she has always lived there.
Q You know her husband, George Zufall? A Yes sir, I know him.
Q You know anything about his marriage? A Yes sir.
Q What do you know? A I was at Brushy Mountain when they were married; a few minutes after that Judge Taylor told me that George Zufall handed him a license with a ten dollar bill in it.
Q Well have they lived together since that as man and wife? A Yes sir, to the best of my knowledge.
Q You know her father and mother? A No sir, I don't know them.
Q Don't know how much Cherokee blood she has? A No sir,

BY MR. HASTINGS:

Q How do you happen to remember the circumstances of the Judge saying that Mr. Zufall handed him a license with a ten dollar bill in it? A Never thought anything more about it, until Mr. Zufall asked me to come up here the other day, and I was thinking what the circumstances were.
Q You never saw the license? A No sir.

Q Nor the ten dollar bill either? A No sir, only he was talking about it, and he said he would like for a few more white men to get married.
Q Did you know the judge who issued the license? A No sir.
Q Didn't know anything about that? A No sir.
Q The clerk of the district was not there was he? A No, not that I know of.
Q Your acquaintance with this woman is dated back as far as 1870? A Yes sir.
Q You didn't know herparents? A No sir.

GEORGE ZUFALL, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q Whatis your name? A My name is George Zufall.
Q Whatis your age? A My age is 62.
Q What is your post-office? A Muskogee.
Q Are you the husband of Maggie Zufall? A Yes sir.
Q You were married to her according to the laws of the Cherokee Nation? A Yes sir.
Q Did you get out a regular marriage license? A Went down to the office and got a certificate from the clerk of the court, handed it to Mr. Judge Tayler, and got married on Brushy Mountain under Cherokee law in the Cherokee nation. I didn't get no marriage license, why I don't know, the time I got marriage I guess, I suppose they didn't get any, I don't know, our marriage license has never been on record.
Q You haven't got the license? A No sir.
Q You are a white man? A Yes sir.
Q Have you lived with your wife continuously since that time? A Yes sir.
Q You say you paid for the license? A Down to the Falls, yessir.
Q How much did you pay? A Two dollars; that was to the clerk of the court down at Webbers Falls.
Q Cherokee court? A Yes sir.
Q Did you get out a petition? A I got a petition, Mr. Ross there did.
Q You got out a petition? A Yes sir, had nine signers on it; Mr. Ross was one of the first ones that ever signed it.
Q You never got the license back? A No sir.
Q License didn't cost you but two dollars? A That was a certificate; I took the oath of allegiance down there andpaid the clerk two dollars; that's all I paid.
Q Was that the price of a marriage license at that time; for a white man marrying a Cherokee woman, only two dollars? A I couldn't tell you about that.
Q Who did you pay the two dollars to? A To the clerk of the court, his name is McCorkle; he is living yet.
Q Who married you? A Judge Taylor.
Q You know whether your wife ever applied to the Cherokee authorities to be admitted as a Cherokee citizen or not? A I don't know; we never went out of the Nation. I know under the compact law we could live in the Creek Nation as well as the Cherokee Nation, and we have hadmore property in the Cherokee Nation the last twenty years than we have got in the Creek Nation.
Q Your wife was never admitted by the Cherokee authorities, that you know of? A Not that I know of. I don't know as it is necessary to be re-admitted when we never lived out of the Nation.

MAGGIE ZUFALL, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q Your name is Maggie Zufall? A Yes sir.
Q You are the applicant here? A Yes sir.

BY MR. HASTINGS:
Q Your maiden name was Cobb? A Yes sir.
Q Where were you born? A Georgia.
Q When did you come to this coujtry? A I don't know, I was 3 years old when we come here.
Q You are about 48 now? A Yes sir.
Q You come to the country then before the war? A Yes a long time I reckon.
Q You stay here during the war? A Yes. We were over in Gibson all during the war.
Q Did you live in the Cherokee Nation up until the time you were married? A Yes sir.
Q Your father's name was Jack Cobb? A Yes sir.
Q What was your mother's name? A Lucy Vickory.
Q Where did your father and mother die? A Over there about a half a mile from Fort Gibson.
Q Where were you living at the time you married Zufall? A I was living with my aunt down on the Arkansas river, at Frozen Rock.
Q In Canadian District? A Yes sir.
Q Since that time you have either lived in Muskogee or Canadian District, one or the two? A Yes sir.
Q Most of the time in Muskogee, A Yes sir.

BY COMMISSIONER NEEDLES:
Q You know the reason your name is not on the 1880 roll?
A No, I really don't. We might have been not in the Nation, or maybe was sick or something, I don't know how it was.

GEORGE W. ELLIOTT, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q What is your name? A George W. Elliott.
Q Whatis your age? A 66.
Q What is your post office address? A Muskogee.
Q What nationality are you? A I was born in Baltimore, Maryland.
Q You are not an Indian? A No sir.
Q Do you know Maggie Zufall? A Yes sir.
Q How long have you known her?A Since 1872 anyhow, I don't know whether it was before that or not.
Q You know anything about her marriage to George Zufall? A Yes sir, I was at the wedding, and stayed all night at their house.
Q You know whether he had a Cherokee license or not? A No sir, I do not.
Q You know anything about the citizenship of Mrs. Zufall? A No sir,

MRS. MAGGIE ZUFALL, -recalled and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q Any questions you would like to ask him? A No sir, not that I know of.
Q Any other witnesses? A No, that is all we have.
Q Are you willing to submit your case to the Commission now on the testimony that has already been given? A I don't know; if I am doubtful of course I can prove up that I am an Indian, if that is what you want to know. Indian by blood and I know my mother was an Indian.
Q Did you apply in 1896 to be enrolled as a citizen; did you apply to the Commission in 1896 under the law of June 10? A I was I was enrolled wasn't I? No, I didn't apply to the Dawes Commission.
Q Fact is you have never applied to any Commission to be enrolled as a Cherokee citizen before your present application? A No sir.

Q Well if you are willing to submit the case on the testimony given the case will be ordered closed? A Well I g uess that is all right, I am willing to- I can prove I am an Indian; I have relations and aunts who have got theirs.
Q You applied for your daughter Pearl when you applied for yourself
A Yes sir.
Q She was 21 years of age? A Yes sir.
Q Why didn't she apply for herself? A She was not here, she was off at school and they told me it would be all right as she was under my care; it would be all right.
Q She is still unmarried? A Yes sir.

BY COMMISSIONER NEEDLES:

Well we will give you until the 24th of this month,- that is six days,- to bring witnesses to prove your Indian citi zenship?

A Yes sir, I can get them any day I want.

BY COMMISSIONER NEEDLES: Case continued until the 24th of the present month.

1710 25

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE CHICAGO
FILED
MAR 27 1952
CHAIRMAN
RECORD NUMBER

D1041

Supl.-C.D.#1041.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of GEORGE ZUFALL, ET AL., as citizens of the Cherokee Nation, introduced on part of applicants:

The applicant was notified by registered letter February 27, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee Indian Territory, on the 17th day of March, 1902, and on said date the applicants appeared and by agreement the case was continued until the 18th day of March, 1902. The same being this day, the 18th day of March, 1902, called the applicant appears in person.

Mr. W. W. Hastings, Cherokee Representative, present.

W. S. AGNEW, being duly sworn, testified as follows on part of the applicants:

BY THE COMMISSION:

Q What is your name? A W. S. Agnew.
Q How old are you? A 59.
Q Post office address? A Muskogee.
Q Are you acquainted with the applicant in this case, George Zufall?
A You mean the boy?
Q No, George Zufall, Sr.? A The old man?
Q Yes. A Yes, sir.
Q Are you acquainted with his wife, Margaret? A Yes, sir.
Q How long have you known her? A I knowed the family ever since '61, when they was small children, but I don't know the names apart; I have been well acquainted with them since '67.
Q Where were they living them? A In '67?
Q Yes? A In Fort Gibson.
Q In the Cherokee Nation? A Yes, sir.
Q How long did she continue to reside there after that? A Well, she was there a part of the time in Canadian District with an Aunt up to about the time she was grown.
Q And then where did she go? A She married Mr. Zufall and they located here in Muskogee.
Q Had she always been recognized as a Cherokee citizen?
A Yes, sir.
Q Did you ever hear her right to enrollment disputed?
A No, sir, never nothing more than place of residence, or something that way.
Q Do you know about when they came to the the Creek Nation to live, about what year it was? A It must have been somewhere about '75.
Q And they continued to reside here continuously up until the present time and are living here now? A Yes, they have made this their home; they own a ranch and property down in the Cherokee Nation.
Q They own property in the Cherokee Nation? A Yes, sir, he has held a ranch there and good deal of property ever since they were married.
Q They were living here when the roll of 1880 was made? A Yes, sir.

Q Do you think that is the reason their names do not appear upon that roll A Yes, sir, that is the only reason.
Q Have they ever made their home outside of the Territory since you have known them? A No, sir.

MARY E. ~~KEEKY~~ A ~~GREW~~, being duly sworn, testified as follows on part of applicant:

COMMISSION:

Q What is your name? A Mary E. Agnew.
Q How old are you, Mrs. Agnew? A I will be 53 in May.
Q You are acquainted with Maggie Zufall, the wife of George Zufall?
A Yes, sir.
Q How long have you known her? A Ever since she was an infant.
Q Are you related to her? A She is my sister.
Q Same father and mother? A Yes, sir.
Q Do you know whether or not she has always made her home in the Indian Territory? A Yes, sir.
Q She has never lived outside of the Indian Territory?
A No, sir.
Q Does your name appear upon the roll of 1880? A Yes, sir.
Q You were then living in the Cherokee Nation? A Yes, sir.
Q Where was your sister living at that time? A In Muskogee.
Q In the Creek Nation? A Yes, sir.
Q Did you ever hear her ~~a~~ right to enrollment disputed until this time? A No, sir.
Q She has always been recognized as a citizen? A Yes, sir.

Commission: The applicant and the representative of the Cherokee Nation present submit the case. The same is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do here y certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 27th, 1902.

In the matter of the application of George Zufall, et. al., for enrollment as citizens of the Cherokee nation.

Supplemental to D 1041.

J. L. McCarkle, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. J. L. McCarkle.
Q. What is your post office address? A. Webbers Falls.
Q. Have you ever held any official position in the Cherokee nation?
A. Yes, sir.
Q. What. A. Clerk of the district and circuit courts.
Q. During what year were you clerk of Canadian district? A. I was clerk of Canadian district from the year 1869 to 1874.
Q. During the time that you were acting as clerk of Canadian district do you remember whether or not you ever issued a license to one George Zufall authorizing him to marry Maggie Cobb?
A. I do.
Q. Did he comply with the Cherokee law in procuring that marriage license? A. Fully.
Q. Do you know whether or not he was married in accordance with the license that you issued? A. I don't know.
Q. How long had you known Mr/ Zufall prior to the issuing of the license? A. I had never known him before.
Q. Have you known him since that? A. Never since.
Q. Has he always been recognized as a citizen by intermarriage since that time? A. Yes, sir.
Q. You didn't see the ceremony of marriage performed? A. No, sir.
Q. You are positive that the license was issued to him whileyou were acting—while you were clerk of that district? A. Yes, sir; issued to him in September, 1873. Let me corroborate it. In running over some of my old papers that I found in my old trunk that I had stored away I found his petition. How it happened to be retained in my possession I don't know, but I turned the papers over to my successor. Some how or other that remained.
Q. You recognize this as the original petition Mr. Zufall presented when he applied for the license? A. Yes, I do. Then here is something that I---There was my commission, one dated 1869 and here is one dated 1871, from another judge that was elected.

The witness exhibits a commission showing that on the 15th day of November, 1869, he was appointed clerk of the district court of Canadian district, Cherokee nation, by J. M. Hilderbrand, Judge of the district court of Canadian district.
He also exhibits a commission showing that on the 24th day of November, 1871, he was again appointed district clerk in and for Canadian district, Cherokee nation by Judge Woodall, judge of the district court of Canadian district, Cherokee nation. These documents are returned to the witness.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this .... day of July, 1902.

Seal

F. J. Reuter
Notary Public.

1902

Supp'l to D 1041

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 28, 1902.

In the matter of the application of George Zufall, for the enrollment of himself, and his wife Maggie, and his children, Pearl E., Oscar O., Maggie, Benjamin H., Grace A., and Herbert Zufall, as citizens by blood of the Cherokee Nation:

PEARL E. ZUFALL, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Pearl Elizabeth Zufall.
Q What is your age ? A Twenty four.
Q What is your post office address ?
A Muskogee, Indian Territory.
Q What district do you live in ? A Muskogee, in the Creek Nation.
Q What district in the Cherokee Nation do you call your home ?
A Canadian.
Q Do you wish to make application for enrollment as a citizen of the Cherokee Nation ? A Yes sir.
Q Do you wish to include anyone else in your application ?
A No sir.
Q Give me the name of your father ? A George Zufall.
Q Is he living or dead ? A Living.
Q Is he a Cherokee by blood ? A No sir.
Q Give me the name of your mother ? A Maggie Zufall.
Q Is she living or dead ? A She is living.
Q Is she a Cherokee by blood ? A Yes sir.
Q Have you lived all your life in the Cherokee Nation ?
A No sir, not all my life.
Q How long have you been living in the Creek Nation ?
A All my life, except about-I don't know- about three years I was in the Cherokee Nation, Canadian District. I have lived partly in the Creek Nation and partly in the Cherokee Nation.
Q You have never lived anywhere except in the Creek Nation and in the Cherokee Nation ? A No sir.
Q Are you at this time living in Muskogee, Creek Nation ?
A Yes sir.
Q Does your name appear upon the 1880 authenticated roll of Cherokee citizens ? A I don't think it is on the '80 roll.
Q Were you admitted by the Cherokee National Council after that date ?
A Well I don't know.

--The 1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant is not identified thereon;
--The 1896 census roll of citizens of the Cherokee Nation examined, and the applicant is identified thereon at page 83, # 2315, Canadian District, as Pearl Zufall, native Cherokee.

The Commission: This testimony will be filed with and made supplemental to the record in the matter of the application for the enrollment of George Zufall, et al, Cherokee D 1041.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this September 5, 1902.

B C Jones
Notary Public.

[illegible]

[illegible]

[illegible]

Cher D 1041

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 2, 1902.

In the matter of the application of GEORGE ZUFALL, for the enrollment of himself as a citizen by intermarriage, and his wife MAGGIE, and his children, PEARL E., OSCAR O., MAGGIE, BENJAMIN H., GRACE A. and HERBERT ZUFALL, as citizens by blood, of the Cherokee Nation:

GEORGE ZUFALL, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A George Zufall.
Q What is your age ? A Sixty three.
Q Your post office ? A Muskogee.
Q Are you the same George Zufall who made application to this Commission for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, and for your wife and children as citizens by blood, on January 15, 1901 ? A My wife made the application, I think.
Q You are the same George Zufall ? A Yes sir.
Q What is your wife's name ? A Margaret.
Q Do you call her Maggie ? A Yes sir.
Q Do you want her enrolled as Maggie or Margaret ?
A It don't make any difference. Just make it Maggie.
Q When were you and your wife Maggie married, Mr. Zufall ?
A We were married in 1873, in October.
Q Were you ever married before you married your wife Maggie ?
A No sir.
Q Was she ever married prior to her marriage to you ? A No sir.
Q You were her first husband and she was your first wife ?
A Yes sir.
Q Have you and she lived together continuously from the time of your marriage, as husband and wife, up to the present time ?
A All except three months I have been in Europe.
Q Were you living together as husband and wife on September 1, 1902 ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Been living here in Muskogee since 1871.
Q You have lived in the Indian Territory all the time, then, since 1880 ? A Yes sir, never lived out.
Q Has your wife lived in the Indian Territory all the time since 1880 ? A Yes sir.
Q Been living in the Cherokee Nation ? A She went in the Cherokee Nation every summer and stayed there four or five months, but my business was here in Muskogee.
Q Are your children, Pearl E., Oscar O., Maggie, Benjamin H., Grace A. and Herbert, all living at this time ? A Yes sir.
Q And have they always lived in the Indian Territory since they were born ? A Yes sir.
Q Never lived outside the Indian Territory ? A No sir. Only the eldest girl I took to the old country with me in the summer.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this October 16, 1902.

B. C. Jones
Notary Public.

Cherokee D 1044.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph R. Edington for enrollment of his wife, Betty Edington, as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 16, 1901, Joseph R. Edington appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment, among others, of his wife, Betty Edington, as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the applicant, Betty Edington, nee Murphy, and the said Joseph Edington were lawfully joinedin marriage on the 17th day of December, 1899; that she is a Cherokee by blood and is identified on the 1896 census roll as an orphan by her maiden name, Murphy; that her father, James Murphy, and her mother, S. E. Murphy, both now deceased, are identified on the 1880 authenticated tribal roll of the Cherokee Nation.

The evidence further shows that the applicant has been a resident of the Cherokee Nation all of her life.

It is, therefore, the opinion of this Commission that Betty Edington should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-One of the Act of Congress, approved June 28, 1898 (30 stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 0 1902

Cherokee D 1041.1043.1088.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Maggie Zufall, nee Cobb, Pearl E. Zufall, George Zufall, Jr., and Lewis E. Zufall are identified on the Cherokee rolls of 1883, 1886, 1890, 1894 and 1896. Oscar O. Zufall, Maggie Zufall and Benjamin F. Zufall are identified on the Cherokee rolls of 1886, 1890, 1894 and 1896. Grace A. Zufall is identified on the Cherokee rolls of 1890, 1894 and 1896. Herbert Zufall is identified on the Cherokee rolls of 1894 and 1896. George Zufall is identified on the Cherokee rolls of 1890 and 1896, as an intermarried white person. Marion R. Zufall and Eva Zufall are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that Maggie Zufall has been a continuous resident in the Indian Territory since her removal thereto, as hereinbefore shown. Her husband, George Zufall, has resided in the Indian Territory with his said wife, Maggie Zufall, continuously since his marriage to her, up to and including September 1, 1902. The other applicants have resided in said Territory all their lives. Warren E. Zufall is shown to have died February 13, 1905, as evidenced by death affidavit made a part of the record herein. It is presumed from the enrollment by the Cherokee Nation of Maggie Zufall on the various rolls of said nation, as hereinbefore shown, and the further fact that her sister Mary E. Agnew is identified on the 1880 Cherokee roll as a citizen by blood of the Cherokee Nation, that the said Maggie Zufall and her family were duly and lawfully recognized or admitted to citizenship by the tribal authorities of the Cherokee Nation subsequent to their removal to the Cherokee Nation in 1856.

It is, therefore, the opinion of this Commission that the application for the enrollment of Maggie Zufall, Pearl E. Zufall, Oscar O. Zufall, Maggie Zufall, Benjamin F. Zufall, Grace A. Zufall, Herbert Zufall, George Zufall, Jr., Lewis E. Zufall, Marion R. Zufall and Eva Zufall as citizens by blood, and George Zufall as a citizen by intermarriage of the Cherokee Nation, should be granted, in accordance with the provisions of section twenty-one of the Act of Congress approved June 2, 1898 (30 Stats., 495), and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of Warren E. Zufall as a citizen by blood of the Cherokee Nation be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 2 1909

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1044.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Joseph R. Edington for the enrollment of his wife, Betty Edington, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 90.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1041,
1043, 1088.

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Maggie Zufall for the enrollment of herself and her children, Pearl E., Oscar O., Maggie, Benjamin H., Grace A. and Herbert Zufall, as citizens by blood, and for the enrollment of her husband, George Zufall, as a citizen by intermarriage, the application of George Zufall Jr., for the enrollment of himself as a citizen by blood, and the application of Lewis E. Zufall for the enrollment of himself and his minor children, Marion R. and Eva Zufall, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his child, Warren E. Zufall.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the

applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. M-5168

D 104

George Zufall et al.

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[illegible] 3/17/02

Cher D 1042

Cher D 1042

104

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901

ACTING CHAIRMAN

R-

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 16, 1901.

In the matter of the application of Jasper N. Schrimsher for the enrollment of himself, wife and children as Cherokee citizens; he being sworn, and examined by the Commission, testified as follows:

Q What is your name? A Jasper N. Schrimsher.
Q How old are you, Mr. Schrimsher? A 51.
Q What is your postoffice address? A Wagoner.
Q Do you apply for anyone besdies yourself? A Yes sir, myself and three children.
Q Your wife? A Yes sir, wife also.
Q Are you living in the Cherokee Nation? A Not at present; I am doing business in Wagoner.
Q How long have you lived in the Creek Nation? A I have lived here off and on for several years. I have farms over in the Cherokee Nation.
Q You own property in the Cherokee Nation? A Yes sir.
Q Do you derive any revenue or rents from that property? A Yes sir, rents.
Q Have you always been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Never recognized as a Creek? A No sir.
Q Never derived any annuity from the Creek Nation? A No sir.
Q You have, always from the Cherokee Nation? A Yessir.
Q What degree of Cherokee blood do you claim? A About one-third.
Q Were you born in the Cherokee Nation? A Yes sir.
Q You never made your home in any other place except the Cherokee-Nation? A No sir.
Q What is the name of your father? A Isaac.
Q Was he a Cherokee? A Yes sir.
Q What is the name of your mother? A Ruthy.
Q Was she a Cherokee? A Yes sir.
Q Your parents are both dead? A Yes sir.
Q What is the name of your wife? A Julia N.
Q Is she living? A She's living.
Q How old is she? A She's 36.
Q Is she a Cherokee by blood? A No sir, she's a white woman.
Q What is the name of her father? A--Willeford; he's been dead several years.
Q What is the name of her mother? A I can't tell you her name.
Q Is she dead? A She's living.
Q When were you married to her? A (Presents papers)
The applicant presents a marriage license authorizing marriage of J. N. Schrimsher and Miss Julia M. Willeford, issued by Marshal L. Bragdon, Clerk of the United States Court for the First Judicial Division of the Indian Territory, and certificate showing that the marriage was solemnized by R. C. Parks, a minister of the gospel, on the 25th day of September, 1892. This is filed herewith.
Q Were you ever married before, Mr. Schrimsher? A Yes sir.
Q What was the name of your first wife? A Jane Robbins.
Q Was she a Cherokee or white woman? A Cherokee.
Q Is she living or dead? A Dead.
Q Was she dead before you married your present wife?Julia? A Yes sir.
Q Was your present wife ever married before? A No sir.
Q You and she having been living together continuously since 1892?
A Yes sir.
Q What is the name of your oldest child under 21 years of age and unmarried? A My first wife's child is Mattie B.
Q How old is she? A She's about 17 I guess.
Q What is the name of the next child? A Josephine.
Q How old is she? A She's about 6.
Q The next child? A Marie.

Q How old? A She's about 4.
Q These three children are alive and living with you at the present time? A Yes sir.
Q The first child is by your former wife, and the last two children by your present wife? A Yes sir.
Q When were you married to your former wife? A I have a daughter married; twenty years old — it has been about 21 years as well as I remember.
Q Does your first wife's name appear upon the roll of 1880? A Yes sir. I don't know whether her name was put down as Riley or Robbins. Her maiden name was Riley; and she was married twice before, to Robbins and Triplett.
Q Doesn't her name appear upon the 1880 roll as Schrimsher? A Yes sir.
Q You lived with her continuously up to the time of her death? A Yes sir.
Q What district were you living in 1880? A In Canadian in 1880.
Q You have then lived in some other place besides the Cherokee Nation? A I was on the Cherokee strip in about 1880.
Q Did you take an allotment out there? A No sir, I applied for allotment, and didn't get it.
Q You never applied for readmission did you when you came back ? A No sir, those that were out there, they weren't outside of the Cherokee Nation.
1880 roll; page 43, #190, Jane Schrimsher, Canadian district.
1896 roll; page 907, #1891, Mattie B. " Illinois district.
1896 roll; page 907, #1892, Josephine " " "
1896 roll; page 907, #1893, Marae " " "
Q Where were you enrolled in 1894? A In Illinois, I think.
1894 roll; page 825, #1667, Jasper Schrimsher, Illinois district.
1894 roll; page 825, #1670, Mattie Bell " " "
Q How long have you resided up here at Wagoner? A I have been there off and on for about eight years.
Q Have you always been in business there for the past eight years? A No, not all the time. I lived out awhile, about three years ago.
Q How long have you actually resided here in the Creek Nation, made your home in the Creek Nation? A I haven't been here regularly. I was on the strip for a good long while; I lived at Vinita for awhile. I lived here off and on in the Creek Nation for about 15 years.
Q Have you always claimed your home in the Cherokee Nation? A Yes sir, I own property at Vinita, own a farm across the river, of 300 acres, about three miles from Frozen Rock.
Q Has your right to enrollment as a Cherokee citizen ever been disputed? A No sir, not at all. My mother was a Field's. My relation I think are all on the roll.

By J.L.Baugh, representative of the Cherokee Nation-
Q Did you apply for enrollment in 1896? A I suppose I was enrolled in 1896 at Fort Gibson.
Q You went before the Census takers at Fort Gibson? A Yes sir, we enrolled, and drew our money at Tahlequah.

By the Commission-

The applicant applies for the enrollment of himself and three children as Cherokees by blood, and for the enrollment of his wife as a Cherokee by intermarriage. He avers that he was born and raised in the Cherokee Nation, and that he has made his home here continuously ever since, although for the past 15 years he has been residing at intervals in the Creek Nation. The authenticated roll of 1880 has been examined and the name of the applicant is not found thereon. He avers that at the time this roll was taken, he was on the Cherokee strip, consequently his name was not placed upon that roll. The Census roll of 1896 has likewise been examined

and the name of the applicant is not found of record. His former wife, Jane, is identified on the authenticated roll of 1880 as a native Cherokee. He avers that he was married to her previous to 1880. By this woman, he has one child, Nattie F. This child is identified upon the Census roll of 1896 as a native Cherokee. It is alive, and will be listed for enrollment as a citizen by blood of the Cherokee Nation. The applicant produces satisfactory proof as to his marriage to Miss Julia N. Wilford, a white woman, on the 21st day of September, 1892. He ~~lived~~ has lived with her continuously since that time. The Census roll of 1896 has been examined, and the name of the applicant's wife is not found thereon. The result of said marriage to his second wife is two children, Josephine and Marie. These children are identified upon the Census roll of 1896 as native Cherokees. The applicant is identified upon the strip payment roll of 1894. For the reason that his name is not found upon the authenticated roll of 1880 and the Census roll of 1896, he will be listed for enrollment as a citizen by blood upon what is known as a doubtful card. His wife will likewise be listed for enrollment as a citizen by intermarriage upon what is known as a doubtful card. And for the reason that the two children, Josephine and Marie, obtain their rights through the father and mother, they will likewise be listed for enrollment as citizens by blood on a doubtful card. When final judgment is rendered in this case, the applicant will be notified in writing at his present post office address.

E.T.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. T. Rothenberger

Subscribed and sworn to before me this 17th day of January, 1906.

O. H. B. Kennedy

Commissioner.

1902

ACTING CHAIRMAN

R

C. D-1042

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Jasper N. Schrimsher for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

(Applicant's agent is J. R. Sequichie, Chelsea, I. T.)

BY COMMISSION: The applicant was notified by registered letter on the 27th day of February,1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory on the 15thday of March,1902. Receipt has been acknowledged of the Commission's letter,both by the applicant and his agent. On this the 15th day of March,1902, the applicant and his agent having been called, and failing to respond, this case is deemed completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Appeared and made oath to paiore me this ..... day of December, 1902.

Jesse O. Carr, being first duly sworn, states that he is employed by the Commission to the Five Civilized Tribes and that he has charge and custody of the records of said Commission and that the attached and foregoing copy of the proceedings had before said Commission in the matter of the application of Jesse O. Carr for the enrollment of his minor children as members of the Choctaw Nation, is a true and correct copy of said proceedings.

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 12 1902
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 14th, 1902.

In the matter of the application of Jasper M. Schrimsher for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Julia M. Schrimsher, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Josephine, Marie and Nellie P. Schrimsher, as citizens by blood of the Cherokee Nation.

Supplemental to D-1042

Cherokee Nation appears by J. C. Starr.

JASPER M. SCHRIMSHER, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. J. M. Schrimsher.
Q. Jasper M. A. Yes, sir.
Q. How old are you? A. 52.
Q. What is your post office? A. Wagoner.
Q. Are you a Cherokee by blood? A. Yes sir.
Q. How long have you been living in the Cherokee Nation?
A. Born and raised here.
Q. Lived here all your life? A. Yes, sir.
Q. What is your wife's name? A. Julia M., she signs her name.
Q. How old is she? A. About 36.
Q. Is she a white woman? A. Yes, sir.
Q. Does she claim citizenship through you? A. Yes, sir.
Q. When were you married to her? A. In '92, I think. The certificate is here.
Q. Is she your first wife? A. Second.
Q. Your second wife? A. Yes, sir.
Q. Was your first wife dead when you married Julia? A. Yes, sir.
Q. Had your wife Julia ever been married before she married you?
A. No, sir.
Q. Have you and your wife Julia been living together in the Cherokee Nation ever since you married her? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. You have never made your home outside the Cherokee Nation?
A. Only at Wagoner.
Q. Were you and your wife living together on the first day of last September? A. Yes, sir.
Q. How many children have you? A. Three.
Q. All living? A. I have one dead.
Q. Which one? A. The oldest.
Q. What is its name? A. It has no name; born dead.

Examination by Mr. Starr.

Q. What is the name of your first wife? A. She was a Riley.
Q. What was her first name? A. Jane.
Q. Did you live with her until she died? A. Yes, sir.
Q. Where did you live? A. In Muskogee.
Q. How long have you been living in the town of Wagoner? A. I been there 10 years.
Q. In town? A. Yes, sir. I have property across the line.
Q. Your residence has been in the town of Wagoner? A. Yes, sir.
Q. Wagoner is in the Creek Nation? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr.

Subscribed and sworn to before me this 12th day of December, 1902.

B. C. Jones
Notary Public.

Cherokee D-1042.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jasper N. Schrimsher for the enrollment of himself and his children, Josephine Schrimsher, Marie Schrimsher and Nellie P. Schrimsher as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Julia M. Schrimsher, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 16, 1901, Jasper N. Schrimsher appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his children, Josephine and Marie Schrimsher, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Julia M. Schrimsher, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, 1902, and again on October 14, 1902.

The evidence shows that the applicant, Jasper N. Schrimsher, is a Cherokee by blood, and is identified on the 1894 strip payment roll; that he was first married in 1880, to one Jane Robbins, a native Cherokee, who is identified, by the name of Jane Schrimsher, on the 1880 authenticated roll of the Cherokee Nation; that she died prior to his marriage to his second wife, Julia M. Schrimsher, nee Willeford, on September 25, 1892; that the children, Josephine Schrimsher and Marie Schrimsher, are identified on the 1896 census roll. The other child, Nellie P. Schrimsher, was born subsequent to the date of this application and is identified by a birth affidavit made a part of the record herein.

The evidence further shows that the applicant, Jasper N. Schrimsher, was born in the Cherokee Nation, where he has resided all his life, except at intervals during the last fifteen years when he has resided in the Creek Nation, Indian Territory; that he and the said Julia M. Schrimsher have lived together continuously as husband and wife in the Cherokee and Creek Nations since their marriage, up to and including September 1, 1902. It is considered that the minor children applicants herein have lived with their said parents since birth.

It is, therefore, the opinion of this Commission that Jasper N. Schrimsher, Josephine Schrimsher, Marie Schrimsher and Nellie P.

Schrimsher should be enrolled as citizens by blood of the Cherokee Nation, and that Julia M. Schrimsher should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this FEB -7 1903

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1042

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Jasper N. Schrimsher for the enrollment of himself and his children, Josephine, Marie and Nellie P. Schrimsher, as citizens by blood, and for the enrollment of his wife, Julia M. Schrimsher, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-1023

D 1242

Freedman

IN THE MATTER OF THE APPLICATION OF

[illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

[illegible] testimony [illegible] 1901

Minutes of [illegible] hearing [illegible] 1901

Marriage license and certificate

[illegible] Tribal Records, [illegible]

Receipt [illegible]

[illegible] consideration 3/15/02

[illegible] 3/15/02

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DEPARTMENT OF THE INTER
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 21 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 16, 1901.

In the matter of the application of George Zufall for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A George Zufall.
Q How old are you? A 24.
Q What is your postoffice? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q In what district do you claim citizenship? A Canadian.
Q Do you live in Canadian? A I have up until last year.
Q You have been living since that time in Muskogee? A I lived here when I was 10 years old, then I went to the Cherokee Nation until the last year.
Q What are you doing in Muskogee? A I am a blacksmith.
Q Who is it you want to have enrolled; just yourself? A Yes sir.
Q You are a Cherokee by blood, are you? A Yes sir.
Q Were you born in the Cherokee Nation? A No sir, in the Creek Nation, this place.
Q How much of your life have you spent in the Cherokee Nation? A About 12 years I guess.
Q That is, 12 years up to about a year ago? A Yes sir.
Q What is the name of your father? A George Zufall.
Q Is he dead? A No sir, he's living.
Q Is he a Cherokee or white man? A No, he's german.
Q Your mother? A She's a Cherokee.
Q What is her name? A Maggie.
Q Is she dead? A No sir, she's alive.
Q Is your mother a native of the Cherokee Nation? A Yes sir.
Q Where is she living now? A In Muskogee.
Q How long has she lived in Muskogee? A I don't know, she was born here;- nearly all her life, I guess.
Q Have you drawn money as a Cherokee? A Yes sir.
Q Have you ever drawn money as a Creek? A No sir.
Q Have you ever voted as a Cherokee? A Yes sir.
Q Have you ever voted as a Creek? A No sir.
Q You are working here now in a blacksmith shop, are you? A Yes sir.
Q You are a single man, are you? A Yes sir.
Q Have you any interests in the Cherokee Nation? A Yes sir, we have a farm over there; two of them.
Q They belong to your father? A Yes sir.
Q You have interest in that property as a child? A That's all.
1896 roll: page 83, #2314, George Zufall, Canadian district.
1896 roll: page 83, #2312, Maggie Zufall, Canadian district.

Commissioner Breckinridge-
The applicant is identified on the roll of 1896 as a native Cherokee. He is not identified on the roll of 1880, and states that he was born in the Creek Nation and lived in the Creek Nation until some twelve years ago, since which time he has lived in the Cherokee Nation to within about one year ago, since which time he has lived at Muskogee, in the Creek Nation. He is now 24 years of age. He states that he has drawn money as a Cherokee, and never drew money as a Creek, and that he has voted as a Cherokee citizen, but never has voted as a Creek citizen. He also states that his mother is a native Cherokee. She is not identified on the roll of 1880, but is identified on the roll of 1896. She made application for herself and other members of her family on the 15th of the present month, and reference is made to her case for further particulars in regard to this family. The applicant will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card, for the further consideration of his case, and the decision when finally rendered will be made known to him at his present postoffice address.

2- S.Z.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 17th day of January, 1901.

Commissioner.

FILED
20 1902

ACTING CHAIRMAN

R.

C. D-1043

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of George Zufall, Jr., for the enrollment of himself as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: Applicant was notified by registered letter February 27th,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 15th day of March,1902. Receipt has been acknowledged of the Commission's letter, and the applicant this the 15th day of March,1902, having been called and failing to respond either in personer by attorney, this case is deemed completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

--- --- ---

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 22 1902
ORIGINAL

To be filed with Case D-1043

Cherokee D-1041

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of George Zufall for the enrollment of himself and wife, and children as Cherokee citizens.

TESTIMONY ON BEHALF OF APPLICANTS.

BY COMMISSIONER: The applicant was notified by registered letter February 27th, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 17th day of March, 1902; receipt has been acknowledged of the Commission's letter, and on this the 18th day of March, 1902, applicants appear in person, this case having been continued over from the 17th.

JOSHUA ROSS, being first duly sworn, and being examined, testified as follows:

Appearances:
Applicants in person;
W. W. Hastings, attorney for the Cherokee Nation

BY COMMISSIONER MEEDLES:
Q What is your name ? A. Joshua Ross.
Q What is your age? A 69 years
Q What is your postoffice? A. Muskogee.
Q Please state what you may know about the citizenship of Mrs. Zufall? A. In 1873 I made out papers asking signers, getting signers to give citizenship to George Zufall and his wife Mrs. Zufall. And I know that they were married October 1873. And that they have lived together as man and wife ever since. That they had made a place over in Canadian District. George Zufall's business has been here most all of the time; he has lived there and has lived here. He is a black smith, and has raised a large family of children I know. I know that she is a Cherokee Indian, and that he was married according to Cherokee law.
Q How do you know that he was married according to Cherokee law?
A Because he got the signers there and they presented it to the clerk.
Q Did you ever see the license? A. No sir, I never saw the license
Q What do you know about her citizenship? A. Well, I know she was a Cherokee Indian.
Q You don't know that she was ever admitted by any act of council?
A. No, I don't know anything about that; I got acquainted with her here in 1872 or '3, as a Cherokee Indian.
Q Been recognized to your knowledged as a Cherokee citizens since that time? A. Yes sir.
BY MR. HASTINGS:
Q Where was she living when you first knew her? A. Living here in Muskogee, but her relatives were living near Fort Gibson.
Q. That is about all you know about it ? A. Yes sir, that's all I know.

ANNIE ELLIOTT BEING FIRST DULY SWORN AND BEING EXAMINED TESTIFIED AS FOLLOWS:
BY COMMISSIONER MEEDLES:
Q What is your name? A. Annie Elliott
Q What is your age? A. 53

Q Where do you live? A. In Muskogee.
Q. You know Mrs. Maggie Zufall? A Yes sir.
Q You know anything about her citizenship? A. She was always considered as a citizen of the Cherokee Nation, a Cherokee.
Q Are you a citizen ofthe CherokeeNation yourself? A. Yes sir.
Q You know anything about her marriage to Mr. Zufall? A. I was present at hermarriage.
Q When was that ? A. In 1873
Q You know whether they had a license from the Cherokee authorities? A. Why, nosir, I know the Judge from the Canadian District married them; Judge Taylor.
Q They been living man together continuously since that time as man and wife? A. Yes sir.
Q. You know whether Mrs. Zufall was ever admitted as a Cherokee citizen by the Cherokee authorities? A. She never was out to be admitted. She has always been here; considered a Cherokee.
Q You don't know whether her name is on the 1880 roll or not? A. I don't know; it ought to be, but she says they couldn't find it.
Q. What was her maiden name? A. Cobb.
BY MR. HASTINGS:
Q. Where did you first know her Mrs. Elliott? A. I knew her out in Canadian about Brushy Mountain, and Checotah.
Q How long before her marriage was that? A. I knew her about a year before she was married; I knew the family.
Q. You didn't have any personal knowledged of her before that time? A. No sir.
Q. Were you present at her marriage and know the judge of the district married her? A. Yes sir.
Q. Been living in Muskogee since that time? A. Xxxxix Oh, I think she lived in the Cherokee Nation awhile.
Q. Most of the time in Muskogee? A. Yes sir, they have always had a place.
Q. What is her father's name? A. Cobb.
Q. You know his first name? A. No sir.
Q. You know her mother's name? A. No sir.
SIM GARLAND, being first duly sworn, and being examined, testified as follows:
BY COMMISSIONER NEEDLES:
Q/ What is your name? A. Sim Garland.
Q. What is your age? A. 48
Q. What is your postoffice address? A. Muskogee.
Q. What is your nationality? A. Choctaw.
Q. Do you know Maggie Zufall? A. I have known her ever since 1870, I think.
You know anything about her Cherokee citizenship? A. Well, she was always considered a Cherokee ever since I knew her, she has always lived there.
Q . You know her husband George Zufall? A. Yes sir, I know him.
Q. You know anything about his marriage? A. Yes sir.
Q. What do you know? A. I was at Brushy Mountain when they were married.; a few minute s after that Judge Taylor told me that George Zufall handed him a license with a ten dollar bill in it.
Q. Well havethey lived together since tha t as man and wife?
A. Yes sir, to the best of my knowledge.
Q. You know her father and mother? A. No sir, I don't know them.
Q. Don't knew how much Cherokee blood she has? A. No sir.
BY MR. HASTINGS:
Q. How do you happen to remember the circum stances of the Judge saying that Mr. Zufall handed him a license with a ten dollar bill in it? A. Never thought anything more about it, until Mr. Zufall asked me to come up here the other day, and I was thinking what the circumstances were.
Q . You k never saw the license? A. No sir.
Q. Nor the ten dollar bill either? A. No sir, only he was talking about it, and he said he would like for a few more white men to get married.
Q. Did you know the judge who issued the license? A. No sir.
Q. Didn't know anything about that? A. no sir.
Q. The clerk of the district was not there was he ? A. No, not that

Q. The clerk of the district was not there was he ? A. No, not that I know of.
Q Your acquaintance with the woman is dated as far back as 1870?
A. Yes sir.
Q. You didn't know her parents? A. No sir.

GEORGE ZUFALL, being first duly sworn and examined testified as follows:
BY COMMISSIONER NEEDLES:
Q. What is your name? A. My name is George Zufall.
Q. What is your age? A. My age is 62
Q. What is your post office? A. Muskogee.
Q. Are you the husbandof Maggie Zufall? A. Yes sir.
Q. You were married to her according to the lawsof the Cherokee Nation? A. Yes sir.
Q. Did you get out a regular marriage license? A. Went down to the office and got a certificate from the clerk of the court, handed it to Mr. Judge Taylor, andgot married on Brushy Mountain under Cherokee law in the Cherokee Nation. I didn't get no marriage license, why I don't know, the time I got marriage I guess, I suppose they didn't get any, I don't know; our marriage license has never been on record.
Q/ You haven't got the license? A . No sir.
Q. You are a white man? A. Yes sir.
Q. Have you lived with your wife continuously since that time?
A. Yes sir.
Q. You say you paid for the license? A. Down to the Falls, yes sir.
Q. How much did you pay? A. Two dollars; that was to the clerk of the court down at Webber Falls.
Q. Cherokee Court? A. Yes sir.
Q. Did you get out a petition? A. I got a petition, Mr. Ross there did.
Q. You got out a petition? A. Yes sir, had nine signers on it; Mr . Ross was one of the first ones that ever signed it.
Q. You never got the license back? A. No sir.
Q. License didn't cost you but two dollars? A. That was a certificate; I took the oath of allegiance down there and paid the clerk two dollars; that's all I paid.
Q. Was that the price of a marriage license at that time?; for a white man marrying a Cherokee woman, only two dollars? A. I couldn't tell you about that.
Q. Who did you pay the two dollars to? A. To the clerk ofthe court, his name is McCorkle; he is living yet.
Q. Who married You? A. Judge Taylor.
Q. You know whether your wife ever applied to the Cherokee authorities to be admitted as a Cherokee citizen or not? A. I don't know; we never went out of the Nation. I know under the compact law we could live in the Creek Nation as well as the Cherokee Nation, and we have had more property in the Cherokee Nation the last twenty years than we have got in the Creek Nation.
Q. Your wife was never admitted by the Cherokee authorities, that your know of? A. Not that I know of. I don't know that it is necessary to be readmitted when we never lived out of the Nation.

MAGGIE ZUFALL, being first duly sworn and examined testified as follows:
BY COMMISSIONER NEEDLES:
Q. Your name is Maggie Zufall? A. Yes sir.
Q. You are the applicant here? A. Yes sir

BY MR. HASTINGS:
Q. Your maiden name was Cobb? A. Yes sir.
Q. Where were you born? A. Georgia?
Q. When did you come to this country? A. I don't know , I was 3 years old when we came here.
Q. You are about 48 now? A. Yes sir.
Q. You came to the country then before the war? A. Yes a long time I reckon.

Q. You stay here during the war? A. Yes. We were over in Gibson all during the war.
Q. Did you live in the Cherokee Nation up until the time you were married? A. Yes sir.
Q. Your father's name was Jack Cobb? A. Yes sir.
Q. What was your mother's name? A. Lucy Vickery.
Q. Where did your father and mother die? Over there about a half mile from Fort Gibson.
Q. Where were you living at the time you married Zufall? A. I was living with my aunt down on the Arkansas River, at Frozen Roc k.
Q. In Canadian District? A. Yes sir.
Q. Since that time you have either lived in Muskogee or Canadian District, oneor the two? A. Yes sir.
Q. Most of the time in Muskogee. A. Yes sir.

BY COMMISSIONER NEEDLES:

Q. You know the reason that your name is not on the 1880 roll?
A. No, I really don't. We might have not been in the Natann, or maybe was sick or something, I don't know how it was.

GEORGE W. ELLIOTT, beingfirst duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q. What is your name?
A. George W. Elliott.
Q. What is your age? A. 66
Q. What is your postoffice address? A. Muskogee.
Q. What nationality are you? A. I was born in Baltimore, Maryland.
Q. You are not an Indian? A. No sir.
Q. Do you know Maggie Zufall? A. Yes sir.
Q. How long have you known her? A. Si nce 1872 anyhow, I don't know whether it was before that or not.
Q. You know anything about her marriage to George Zufall? A. Yes sir, I was at the wedding and stayed all night at their house.
Q. You know whether he had a Cherokee license or not? A. No sir, I do not.
Q. You know anything aboutthe citizenship of Mrs. Zufall? A. No sir.

MRS. MAGGIE ZUFALL, recalled and being examined testified as follows:
BY COMMISSIONER NEEDLES.
Q. Any questions you would like to ask him? A. No sir, not that I know of.
Q. Any other witnesses? A. No, that is all we have.
Q. Are you willing to submit your case to the Commission now on the testimony that has already been given? A. I don't know; if I am doubtful of course I can prove up that I am an Indian, if that is what you want to know. Indian by blood and I know my mother was an Indian.
Q. Did you apply in 1896 to be enrolled as a citizen; did you apply to the Commission in 1896 under the law of June 10? A. I was I was enrolled wasn't I? No, I didn't apply to the Dawes Commission.
Q. Fact is you have never applied to any Commission to be enrolled as a Cherokee citizen before your present application? A. No sir.
Q. Well if you are willing to submit the case on the testimony given the case will be ordered closed? A. Well, I guess that is alright, I amwilling to- I can prove that I am an Indian; I have relations and aunts who have got theirs.
Q. You applied for your daughter Pearl when you applied for yourself A. Yes sir.
Q. She was 21 years of age? A. Yes sir.
Q. Why didn't she apply for herself? A. She was not here, she was off at school and they tole me it would be all right as she was under my care; it would be all right.
Q. She is still unmarried? A. Yes sir.

BY COMMISSIONER NEEDLES:
Well we will give you until the 24th of this month, that is six days,- to bring witnesses to prove your Indian citizenship.
A. Yes sir, I can get them any day I want.

BY COMMISSIONER NEEDLES: Case continued until the 24th of the present month.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is atrue and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Frances S. Betefuhr, as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of the evidence offered in Cherokee case D-1041.

Frances S. Betefuhr

Subscribed and sworn to before me this the [illegible] day of May, 1902.

[illegible]
Notary Public.

II

D 104

[illegible]

[illegible]

Original testimony Jan 11 1901

Testimony of witnesses Jan 11 1901

Motion original consideration 3/15/02

[illegible] 3/15/02

Cher D 1044

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DEPARTMENT OF THE INTE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 21 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 16, 1901.

In the matter of the application of Joseph R. Edington for the enrollment of himself and wife as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Joseph R. Edington.
Q How old are you? A 32.
Q What is your post office? A Bennett.
Q In what district do you live? A Canadian.
Q What is it you want to have enrolled, yourself and wife? A Just myself and wife.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q How long have you been married to your wife? A Ever since the 17th of December, 1899.
Q Let me see your marriage license and certificate. A I haven't got them with me. I got a license here at the Clerk's office.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q You were married under United States law, were you? A Yes sir.
Q Only under United States law? A Only under United States law.
Q Give me your wife's name? A Bettie Edington.
Q How old is your wife? A She's 20.
Q What was her name when you married her? A Bettie Murphy.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q Give me the name of her father? A James Murphy.
Q Is he dead? A Yes sir.
Q Give me the name of her mother. A Sidney Murphy.
Q Is she dead? A Yes sir.
Q In what district was your wife born? A Canadian District.
1880 roll: page 41, #1001, James Murphy, Canadian District.
1890 roll: page 32, #1008, S. E. Murphy, Canadian District.
1896 roll: page 1045, #87, Betty Murphy, Orphan roll, Saline District.

Commissioner Breckinridge-
The applicant applies for the enrollment of himself and wife. He states that he married his wife December 17, 1899, and only under United States law. Under no theory, therefore, does he acquire rights as a Cherokee citizen by this marriage, and he is not upon any roll of the Cherokee Nation; therefore, this Commission has no jurisdiction over his application for himself, and only mention was made of the fact that he did apply for himself. As for his wife, she is identified on the roll of 1896; she is too young to be upon the roll of 1880, but her deceased father and mother are identified on that roll. She is said to have been in the Cherokee Nation all her life. She is a native Cherokee. She will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card to await the evidence of her marriage, and the status of same in consequence thereof. The applicant is required to supply the Commission with an official copy of his marriage license and certificate.

E. C. Ketchum, being duly sworn, states that he stands ready to the Commission to the Five Civilized Tribes, and reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Ketchum

Subscribed and sworn to before me this 16th day of January, 1901.

Commissioner.

Cherokee-10194.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 2, 1907.

In the matter of making proof of the marriage of George Zufall to his Cherokee wife, prior to November 1, 1875.

Margaret Zufall, being first duly sworn by John E. Tidwell, a Notary Public, testified as follows:

COMMISSIONER:

Q. What is your name? A. Margaret Zufall.
Q. How old are you? A. 50 years old.
Q. What is your post office address? A. Muskogee, I.T.
Q. In whose behalf are you appearing here today? A. George Zufall.
Q. Was he a claimant for rights as an intermarried citizen of the Cherokee Nation? A. Yes sir.
Q. What was the name of his Cherokee spouse through whom he claimed rights? A. Margaret Cobb.
Q. When were you and George Zufall married? A. In 1873.
Q. What date? A. October 22.
Q. Where were you married? A. At Brushy Mountain.
Q. Were you married under a license from the Cherokee Nation? A. Yes sir.
Q. Have you that license? A. No, we had no license.
Q. What became of the license? A. The Judge turned them in at the Court house at Webbers Falls, and the Court house was burned and all the papers, before it was moved to Tahlequah.
Q. Was George Zufall ever married prior to his marriage to you? A. No sir.
Q. Were you ever married prior to your marriage to George Zufall? A. No sir.
Q. Was he a citizen of the Cherokee Nation at the time of your marriage? A. Yes sir.
Q. Is George Zufall living or dead? A. Dead.
Q. When did he die? A. In 1905.
Q. What date? A. January 23rd.
Q. Who married you? A. Sam Taylor, the Judge at Canadian.
Q. Have you any other witnesses that you wish to put on? A. No. I could get witnesses, but I don't know of anything else to say.
Q. You say you were married by the Judge, Sam Taylor? A. Yes sir.
Q. Did he issue the license? A. No, the license was issued by W. F. McCarkley, and he is living.
Q. Can you get him here to testify? A. Yes, by putting up for his expenses, I guess. He gave his testimony once before the Dawes Commission. We had him here once.
Q. Where were you living in 1880? A. We were on the farm I think. We lived here in Muskogee and on the farm, and I don't remember whether we were here or on the farm.
Q. You were living in the Indian Territory? A. Yes sir.

Q. Why were you not enrolled on the 1880 Roll? A. I think we were enrolled, for they said we were enrolled. The men that took the census at that time said that we were enrolled, and I don't know why we are not on the roll.
Q. Did you make application to be enrolled in 1880? A. Yes sir, we were enrolled.
Q. In 1880? A. Yes sir.
Q. Were you living in the Cherokee or Creek Nation in 1880? A. Muskogee was our home.
Q. Did you draw money in 1893 -- the Strip Money? A. Yes sir, we drew in every payment.

(Reference is here made to the testimony offered in support of the application of George Zufall for enrollment as a citizen by intermarriage, at Muskogee, on March 18, 1902; August 28, 1902 and October 2, 1902. Also a certified copy of the petition filed by the applicant for Cherokee license.

The applicant's Cherokee wife is identified on the 1896 Census Roll, opposite No. 2312.)

Witness excused.

Eula Jeanes Branson, being duly sworn, states that she correctly reported the proceedings had in the above and foregoing, on the 2nd. day of January, 1907.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 3rd day of January 1907.

Walter L. Chappell
Notary Public.

E C M

Cherokee 10104.

COPY.

DEPARTMENT OF THE INTERIOR, C

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of GEORGE ZUFALL as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on January 15, 1901 application was received by the Commission to the Five Civilized Tribes for the enrollment of George Zufall as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 16, 1901, February 11, 1901, January 28, 1902, March 18, 1902, March 19, 1902, June 27, 1902, August 28, 1902, October 2, 1902 and January 2, 1907. The records further show that on March 2, 1903 the Commission to the Five Civilized Tribes rendered its decision herein granting the said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George Zufall, a white man, was married in accordance with Cherokee law on October 22, 1873 to his wife, Maggie Zufall, nee Cobb, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No.27910. It is further shown that from the time of said marriage the said George Zufall and Maggie Zufall resided together as husband and wife and have continuously retained their citizenship in the Cherokee Nation. Said applicant is identified on the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird,et al. vs. the United States, Nos.125, 126, 127 and 128, the decision rendered by the Commission to the Five Civilized Tribes March 2, 1903, granting, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), the application for the enrollment of George Zufall as a citizen by intermarriage of the Cherokee Nation, should be,and the same,is,hereby affirmed.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 1906.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 10194

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of George Zufall as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-5
JMH

W 104-1

Decision.

IN THE MATTER OF THE APPLICATION OF

[illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

[illegible]

[illegible]

[illegible]

[illegible]

Cher D 1045

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1045

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901

ACTING CHAIRMAN

B-

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 17, 1901.

In the matter of the application of John Patrick for the enrollment of himself, wife and children as Cherokee citizens; he being sworn, and examined by the Commission, testified as follows:

Q What is your name? A John Patrick.
Q How old are you? A 38 years old.
Q What is your postoffice address? A My present postoffice is here at Muskogee.
Q Do you apply for anyone besides yourself? A Wife and four children.
Q Yourself, wife and four children? A Yes sir.
Q Are you living at present in the Cherokee Nation? A Yes sir.
Q What district are you living in? A My home is in Coweta district. I have been here with Mr. Rattey for awhile.
Q How long have you been living with this man, Rattey? A The last week or two.
Q What doing? A I have been visiting.
Q How long are you going to remain here? A This week out.
Q Then are you going back to Coweseco now? A Yes sir.
Q Then your present residence is in Coweseco? A Yes sir.
Q What is your postoffice? A Hudson, Indian Territory.
Q Are you a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A One-sixteenth.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q Have you ever made your home in any other place? A No sir.
Q Have you been outside of the Cherokee Nation for any purpose within the last three years? A Nothing more than to go into Kansas and do trading. I live near the Kansas line.
Q What is the name of your father? A Bill.
Q Is he living? A No sir.
Q Was he a Cherokee? A Yes sir.
Q What is the name of your mother? A Her maiden name was Vann.
Q Her given name? A Nancy.
Q Is she living? A No sir.
Q Was your mother a Cherokee? A No sir.
Q What district were you living in 1880? A Coweseco.
Q And in 1896? A Coweseco.
Q What is the name of your wife? A Etta.
Q She's living? A Yes sir.
Q How old is she? A She's 24.
Q Is she a Cherokee by blood or a white woman? A White woman.
Q What is the name of her father? A Mont. Walker.
Q Is he living? A Yes sir.
Q Is he a Cherokee or white man? A White man.
Q What is the name of your wife's mother? A Mary.
Q Is she living? A Yes sir.
Q What is the name of your oldest child? A Cleveland.
Q How old is that child? A He's 12 years old.
Q The next child? A Flossie, five years old.
Q Name of the next child? A Lola E., three years old.
Q You stated that your wife's age was 24; she says 22? A She is correct.
Q Is that all of the children? A No, there's one more.
Q What is the name of that child? A Addie.
Q How old is it? A Two months old.
Q These children are all alive and living with you at the present time? A The oldest one isn't living with me.

Q Where is it living? A In Texas.
Q How long has it been there? A It went there in March.
Q Last March? A Yes sir.
Q With whom is it living? A Its mother.
Q She a white woman or what? A White woman.
Q What is her name? A Her present name is Nellie Cowan.
Q When were you married to her? A I was married to her in [illegible].
Q Have you any evidence of your marriage? A No sir.
Q How long did you live with her? A I lived with her until [illegible].
Q Was you divorced from her? A Yes sir.
Q Since that time she has remarried a man by the name of Cowan? A Yes sir.
Q Who was given the custody of the child? A She was given custody of the child.
Q Has the child always been living with its mother? A Yes sir.
Q [illegible] has she lived in Texas? A Just went there this spring.
Q Where did she live previous to that? A Down here on the River, Cherokee Nation.
Q Did she ever live out of the territory before? A I don't think she had.
Q Has she moved to Texas for the purpose of making her home there? A I wouldn't say that; she is living there. They haven't anything here.
Q You know what her post office address is in Texas? A [illegible], I do not.
Q Have you a copy of the decree granting you a divorce from her? A I haven't; she got the divorce.
Q On what grounds? A I don't know. I wasn't present when the divorce suit came up. I was in the upper part of the Nation. I suppose she got her divorce by default, I suppose.
Q And since that time, this child has been in her home with its mother? A Yes, and her parents.
Q Where do they live? A In the Cherokee Nation.
Q Living there now? A Yes sir.
Q How long have they lived there? A Since [illegible].
Q These other three children are your children by your present wife? A Yes sir.

Mr. [illegible]- The applicant presents a marriage license authorizing the marriage of himself and Ethie Walker. License was issued on the 17th day of August, [illegible], by James W. Phillips, Clerk of the United States Court for the First Judicial Division of the Indian Territory. He also presents a certificate showing that he was married in accordance with the law, on the 18th day of August, 1898. License and certificate are filed herewith.

By W. T. Hastings, representative of the Cherokee Nation-
Q Who married you and your first wife? A [illegible].
Q Calhoun Parker? A Yes sir.
Q Who lived at Choska? A Yes sir.
Q She was a white woman? A Yes sir.
Q Had she ever been married before? A No sir.
Q You say that she secured the divorce from you, and that she subsequently married again? A Yes sir.
Q Is her present husband a Cherokee or white man? A White man.
Q That she has married out? A Yes sir.
Q When did she marry the last time? A I guess it was in '[illegible].
Q Directly after she got a divorce? A Yes sir, she obtained the divorce in April.
Q She has had the sole and custody of this child ever since? A Yes sir.

3- J.P.

By the Commission-

[illegible] Page 8, 1873, John R. Patrick, Cherokee [illegible] District.
[illegible] Page 250, [illegible], John R. Patrick, [illegible] District.
[illegible], [illegible], Lucy Patrick, "
[illegible], [illegible], Oliver R. " "
[illegible], [illegible], Fionnie " "
[illegible] A. Boyne [illegible].

By the Commission-

[illegible] lies
[illegible] lived
[illegible] t-
[illegible] ldc.
[illegible] ted
[illegible]

[illegible] the testimony [illegible] in the [illegible] Rothenberger
[illegible]

Subscribed [illegible] to before me this [illegible]

[illegible]
Commissioner.

C.D. 1045

[illegible] THE [illegible],
[illegible] OF THE TRADE

FILED
20 1902

ACTING CHAIRMAN

R

C. R.1045

Department of the Interir,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of John Patrick for the enrollment of his child, CLEVELAND M. PATRICK, as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that the application whichhe made for the enrollment of his child, Cleveland M. Patrick, for enrollment as a Cherokee citizen, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th dayof March,1902.
On this the 15th day of March,1902, the applicant having been called and failing to respond, the case is deemed completed, and same willbe reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civiliz ed Tribes that I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D 1045.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Patrick for enrollment of his son, Cleveland M. Patrick, as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The recordin this case shows that on January 17, 1901 John Patrick appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment, among others, of his son, Cleveland M. Patrick, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory March 15, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the applicant, Cleveland M. Patrick, is a Cherokee by blood and is identified on the 1896 census roll; that his father, John Patrick, a Native Cherokee, is identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll; that said John Patrick has been married twice; that he is divorced from his first wife, Mary L. Patrick, a white woman, who in the decree of divorce was granted the custody of the applicant, a minor twelve years of age, born of the said marriage.

The evidence further shows that said John Patrick has resided in the Cherokee Nation all of his life; that the applicant resided with his parents in the Cherokee Nation from the date of his birth until they were divorced in 1892; that subsequent to said divorce he continued to reside with his mother in the Cherokee Nation until the month of March, 1900, since which time he has been living with her in the State of Texas.

It is, therefore, the opinion of this Commission that Cleveland M. Patrick should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section Twenty-One of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Tams Bixby.
Acting Chairman.

SIGNED T. B. Needles,
Commissioner.

SIGNED C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this NOV 20 1902

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 9th 1902.

In the matter of the Application of John Patrick for the enrollment of his son Cleveland M. Patrick as a citizen by blood of the Cherokee Nation.

Protest of the Cherokee Nation.

Cherokee D 1045.

The Cherokee Nation respectfully asks that the decision of the Commission in this case be forwarded to the Honorable Secretary of the Interior for review.

There is but one point in this case, the child is a minor, his mother is divorced from his father John Patrick. The mother was given the care and custody of the child, prior to the application for the enrollment of the child to wit: in March 1900 the mother moved with the child to the state of Texas where she was living with it at the time the application was made, and where she was living on the first day of September 1902.

The contention of the Cherokee Nation is that the applicant must not only have been living here on June 28th 1898 but that he must have continuously resided here subsequent to that time and must have been living here on the first day of September 1902. In this case the residence of the child is that of its mother, she being a resident of the state of Texas its residence is there and for that reason we contend that under the law that the child is not entitled to be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1045.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of John Patrick for the enrollment of his minor child, Cleveland M. Patrick, as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 217.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1045

Muskogee, Indian Territory, December 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of John Patrick for the enrollment of his minor child, Cleveland M. Patrick, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on November 26, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1045.

Muskogee, Indian Territory, April 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application for the enrollment of Cleveland M. Patrick as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 26, 1903.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

~~Chairman.~~

D 1045

Decision.

Ferdinand [illegible]

Original testimony. Jan 17 1901

Filing of application. Jan 17 1901

Certified copy court record [illegible]

[illegible] decision. 3/15/02

[illegible] 3/15/02

[illegible]

Cher D 1046

Cher D 1046

21046

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 21 1901

APPLICANT AND CHILDREN REJECTED -- DOUBTFUL AS TO APPLICANT'S WIFE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 17th, 1901.

IN THE MATTER OF THE APPLICATION OF Thomas J. Welch for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he appearing before the Commission and being sworn and examined testified as follows:

Q What is your name? A Thomas J. Welch.
Q How old are you? A I am fifty one.
Q What is your Postoffice-address? A Tahlequah.
Q Do you apply for the enrollment of any one besides yourself?
A yes sir.
Q For whom? A My wife and two children.
Q Are you a Cherokee by blood? A yes sir.
Q What de gree of Cherokee blood do you claim?
A I do not know.
Q About how much? A I can not tell you; my grand father was a Cherokee?
Q One half; one fourth, one eighth, one sixteenth?
A About one eighth I guess.
Q Are you living in the Cherokee Nation? A yes sir.
Q What district are you living in? A Tahlequah.
Q How long have you lived in the Cherokee Nation?
A Came there in '78. I came to Fort Gibson in '78.
Q Have you been outside of the Cherokee Nation for any purpose in the past three years? A No sir.
Q What is the name of your father? A Joseph Welch.
Q Was he a Cherokee? A yes sir.
Q What is the name of your mother? A Polly.
Q Was she a Cherokee? A No sir.
Q Are your parents both dead? A yes sir.
Q What is the name of your wife? A My present wife you mean?
Q Yes? A Her name is Mary P. Welch.
Q Is she living? A yes sir.
Q How old is she? A About fifty eight I think.
Q Is she a Cherokee or a white woman? A She claims to be a Cherokee.
Q What degree of Cherokee blood does she claim? A I do not know.
Q What is the name of her father? A Johnson.
Q Johnson what? A Barney Johnson.
Q Is he living? A No sir.
Q Was he a Chero kee? A Claimed to be.
Q What is the name of your wife's mother? A I do not know.
Q Is she living? A No sir.
Q What is the name of your oldest child, unmarried and under twenty one years of age? A Jesse J.
Q How old is he? A He is se venteen I think.
Q What is the name of the next child? A Josie P.
Q How old is she? A She's between sixteen and seventeen. I do not know exactly.
Q You have just the two children? A yes sir, by this woman.
Q Well, have you any other children under twenty one years of age and unmarried? A No sir.
Q Are these two children alive and living with you at this time?
A Yes sir.
Q Were they born in the Cherokee Nation? A yes sir.
Q They have always lived there? A yes sir.
Q Are these two children by your present wife? A Yes sir.
Q When were you married to your present wife? A We never have been married: We have been living together since '79 as man and wife.
Q Were you ever lawfully married to any other woman? A yes sir.
Q What is her name? A Pauline Jane Keys.
Q Is she living? A No sir, she's dead.
Q Was she a Cherokee or a white woman? A White woman.
Q How long did you live with her? A Eight years; until she died.

Q When were you married to her? A Married in '71.
Q Does your name appear upon the roll of 1880? A No sir, it does not appear there now.
Q Does your name appear upon the roll of 1896? A No sir, my wife's does: I applied to the Dawes Commission for admissions here and they denied me and my children.
Q You applied to the Dawes Commission in 1896? A Yes sir.
Q Was the woman with whom you are now living ever married to any man? A Yes sir, married to Ira J. Collins.
Q Is he living? A No sir, he is dead.
Q Was he a Cherokee or a white man? A He was a Cherokee.
Q When did he die? A Died in '78. Was killed here at Ft. Gibson in '78.
Q And in 1879 you began living with her? A Yes sir.
Q When she applied to the Commission in 1896, did she apply by reason of her marriage to Ira J. Collins?
A No sir; applied in her own name.
Q Was she admitted as an intermarried citizen by reason of her marriage to Ira J. Collins, was she not ? A She applied as a citizen by blood -- it is there and will show for itself.
Q She applied as a citizen by blood, did you say? A Yes sir.
Q Does her name appears upon the roll of 1880?
A No sir, but she was there: Busyhead knew her, and she was a citizen: Two of her children was in the Seminary: She had four children -- he said , we do not deny you, and put them down on the rolls.
X She was there and applied before the Council, and the Chief did not deny her.
Q Her name was Collins at that time, was it not? A Yes sir.
Q Did you draw money for your children, Jesse J. and Josie P. in 1894? A No sir.
Q These children have never been recognized by the Cherokee Nation?
A No sir.
Q Has your wife ever been recognized as a Cherokee: Is her name on any roll? A Just as I told you, she applied to the Council in '80 and they placed it on the rolls.
COMMISSION: Dawes Commission, Docket "B", Page 408, #5363, Thomas J. Welch, Mary P. Welch et al versus the Cherokee Nation, filed September 5th, 1896 - answer filed - Mary P. Welch admitted as a citizen by intermarriage; Thomas J. Welch, her husband, and their children denied - no appeal taken.

COMMISSION: The applicant applies for the enrollment of himself, his wife and two children as citizens by blood of the Cherokee Nation. He avers that he has lived in the Cherokee Nation since 1878, but the tribal rolls of the Cherokee Nation have been examined and the name of the applicant is not found thereon.

It appears that he applied to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Cherokee Nation, in accordance with an Act of Congress approved June 10th, 1896. He then applied for the enrollment of himself, his wife and their children. He and his children were denied by the Commission and no appeal was taken: The judgment of the Commission rendered in 1896 is final, and the Commission is now without jurisdiction to receive, consider or make any record of the application which he makes on behalf of himself and his two minor children, Jesse J. and Josie P.: If he desires to appeal from the decision of the Commission to the Honorable Secretary of the Interior, and will so notify the Commission in writing, his case will be forwarded to the Secretary of the Interior when the final rolls of citizens of the Cherokee Nation are transmitted to him for approval.

As to the application he makes on behalf of his wife; he avers that he was never lawfully married to her, but has been living with her since 1879: It appears that she has also applied to the Commission to the Five Civilized Tribes, in accordance with the Act of Congress, approved June 10th, 1896, for enrollment as a citizen by

THOMAS J. WELCH ET ALS.

intermarriahe of the Cherokee Nation, and that her application was granted by the Commission, and no appeal taken by the Nation. The tribal rolls of the Cherokee Nation have been examined and the name of the applicant's wife is not found thereon. For the further consideration of the Commission, and for the reason that the Representatives of the Cherokee Nation present protest against the enrollment of the said Mary P. Welch, she will be listed for enrollment as a citizen by intermarriage upon what is known as a doubtful card. When the final ~~decision~~ judgment is rendered in her case, the applicant will be duly notified in writing at his present Postoffice address.

By Mr. W. W. Hastings, Cherokee Representative:

The Representatives of the Cherokee Nation protest against the enrollment of Mary P. Welch as an intermarried citizen, for the reason that in case she was ever entitled to be admitted as a citizen by marriage, her living with Thomas J. Welch and holding him out to the community as her husband would forfeit her rights to citizenship by intermarriage, under Section 666, Compiled Laws of the Cherokee Nation, 1892.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W R Krauss

Subscribed and sworn to before me this 18th day of January, 1901.

COMMISSIONER.

D1046

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 17 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. TAHLEQUAH.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 17 1901 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

58 Wife's name Mary P. Welsh

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Admitted by Dawes Commission in 1896 as an intermarried citizen - See docket B page 408. No 5363

[illegible] D-1047.

[illegible] Department of the Interior,
[illegible] Commission to the Five Civilized Tribes.
[illegible], I. T., March [illegible], 1902.

[illegible] PROCEEDINGS in the matter of the application of [illegible] Yates for the enrollment of herself as a citizen of the Cherokee Nation.

[illegible]:
[illegible]. A. [illegible], attorney, for applicant.
W. W. Hastings, attorney, for Cherokee Nation.

The applicant was notified by regular mailed letter February 21, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 11th day of March, 1902. Proof has been acknowledged of the Commissioner's letter, and the applicant [illegible] day, to-wit: the 14th day of March, 1902 [illegible] W. A. Hobson.

[illegible] appearance [illegible] for the Cherokee Nation.

By a stipulation [illegible] March [illegible] a [illegible] relative to the case [illegible]

MR. [illegible] I desire to [illegible] the testimony, but decline to make this [illegible] statement, [illegible] according to the testimony of the witness on that point, [illegible] Yates, with Thomas J. Welch as her husband [illegible] admitted to citizenship in the Cherokee Nation [illegible] all the facts in the case be [illegible] that that [illegible] a marriage between Yates and Welch [illegible] to prove it, and Mary Welch should be enrolled.

I desire further to state as little the attention of the Commission to the fact that the records in this investigation in this case show that Thomas J. Welch was never legally married to Mary Welch, and that consequently the said Mary Welch cannot be said to have inherited her rights by marriage to a citizen of the Cherokee Nation.

W. MAS[illegible]. The respondents of the [illegible] contend that inasmuch as Mary E. Welch was [illegible] to be recognized by [illegible], that [illegible] a citizen by [illegible], and it being admitted in the testimony that [illegible] Thomas [illegible] Welch, a white man and a citizen of the Cherokee Nation, as a husband, they [illegible] as a citizen and wife since 18[illegible]. Therefore, [illegible] the applicant have [illegible] the Cherokee Nation, that she [illegible] rights to citizenship in the Cherokee Nation by adoption.

[illegible] counsel for the applicant and the representative of the Cherokee Nation present during this case, case is deemed completed and will be presented to the Commissioner for final decision [illegible]

[illegible] 1902

R.

C. D-1046.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Mary P. Welch for the enrollment of herself as a citizen of the Cherokee Nation.

Appearances:
M. A. Gibson, attorney for applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter February 27, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 15th day of March, 1902. Receipt has been acknowledged of the Commissions letter, and the applicant this day, to-wit: the 14th day of March, 1902, appears by her attorney, M. A. Gibson.

By agreement the case is taken up for final consideration.

BY COMMISSION OF MR. GIBSON: Do you desire to make any statement relative to the case

MR. GIBSON: I desire to introduce no testimony, but desire to make this statement, that the records of the Commission show that this party, Mary Welch, was living with Thomas J. Welch as his wife in 1896, and having been admitted to citizenship in the Cherokee Nation at that time by this Commission, with all the facts in the case before them, that that judgment of the Commission has become final, and not now subject to review, and Mary Welch should be enrolled.

I desire further to state calling the attention of the Commission to the fact that the records in this investigation in this case show that Thomas J. Welch was never legally married to Mary Welch, and that consequently the said Mary Welch cannot be said to have forfeited her rights by marrying a man not a citizen of the Cherokee Nation..

MR. HASTINGS: The representative of the Cherokee Nation contends that inasmuch as Mary P. Welch was admitted to citizenship by intermarriage in 1896, that she was upon that date a citizen by intermarriage, and it being admitted in the testimony that since that time she has lived with Thomas J. Welch, a white man and not a citizen of the Cherokee Nation, as her husband, they recognized each other as husband and wife since 1896. That under Section 666 of the Compiled Laws of the Cherokee Nation, that she has forfeited her rights to citizenship in the Cherokee Nation by adoption.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision upon the evidence now of record.

The attorney for the applicant requests and will be granted fifteen days in which to file brief in this case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Welch, for enrollment as a citizen of the Cherokee Nation.

BRIEF FOR APPLICANT.

The proof in this case shows that the applicant has always been a citizen of the Cherokee Nation, and that in 1896 this Commission after hearing her application for enrollment declared that she was entitled to enrollment as a citizen of the Cherokee Nation.

I believe and submit that this decision has become final, and that it cannot now be disturbed; and that she should be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted this 28 day of March, 1902.

N. A. Gibson

Attorney for applicant.

Service of a copy of the foregoing brief accepted this _____ day of March, 1902.

_____

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 9th 1902.

In the matter of the application of Mary P. Welch for enrollment as a citizen of the Cherokee Nation by Intermarriage.

Cherokee D 1046.

Briefon part of the Cherokee Nation.

The test mony shows that the applicant Mary P. Welch is a white woman; that her first husband was Ira J. Collins who was a Cherokee by blood with whom she li ed until his death in 1878; that she applied to the Dawes Commission in 1896 for admission as a Cherokee citizen by blood; that answer was filed by the Cherokee Nation and that she was admitted as a citizen of the Cherokee Nation by intermarriage and not as a citizen by blood because the testimonydeveloped that she had been married to one Ira J. Collins a recognized Cherokee Citizen by blood. The testimony shows that since his death she has lived with Thomas J. Welch a white man that they have lived together as husband and wife; held each other out to the community as husband and wife but Thomas J. Welch in order to defeat the provision of section 666 of the Compiled Laws of the Cherokee Nation,1892, which works a forfeiture of citizenship of the intermarried person after the death of the Cherokee husband by her subsequent marriage to a white man denies that he was ever married to the ap licant Mary P. Welch. But let us look at the testimony on file in case Number 5363 before the Dawes Commission in 1896 and referred to in the testimony in this case. In that case this same Thomas J. Welch applied for himself and two children and for this same Mary P. Welch whom he designated as his wife and the same was sworn to before a Notary Public on the 19th day of August 1896. Mary P. Welch in an affidavit on file in this case before the Dawes Commission in 1896 swears that she was married to Thomas J. Welch. The affidavit of Clark Collins on file in the same case and sworn to on the 2nd day

of September 1896 says: " My mother yet survives and is married to Thomas J. Welch"; the affidavit showing that his mother was Mary P. Welch. She assumes the name of Welch; Goes by it and is so recognized, and the Cherokee Nation contends that even if she was admitted in 1896 as a Cherokee Citizen by intermarriage (And you must note that she did not apply as such) at that time , that her continuous living with Thomas J. Welch a white man who is not a citizen of the Cherokee nation, but a rejected applicant works a forfeiture of her citizenship under section 666 of the Compiled Laws of the Cherokee Nation. The case is not Res Judicata; she never applied as a citizen by intermarriage; the Cherokee Nation had no notice that she intended to make application as such, they had no notice that section 666 of the compiled laws of the Cherokee Nation should be applied and therefore the Cherokee Nation is not estopped from pleading it now. . But even if she was admitted in 1896 as a citizen by intermarriage of the Cherokee Nation clearly she forfeits under section 666 of the Compiled laws of the Cherokee Nation by her living with a whiteman as his wife for the past six years.

Respectfully submitted,

J. C. S.

Attorney for the Cherokee nation.

FILED
OCT 25 1902
ACTING CHAIRMAN

3-Cher- 3-1046.

Q Did Henry Woods credit you for goods? A Yes, I come down and had my name put on the rolls and I went to Henry Woods and got a lot of goods. Testimony objected to by Cherokee nation as immaterial

---o---

Frances E. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Subscribed and sworn to before me this October 7th, 1902.

Notary Public.

Cher-1046-D.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 21, 1902.

In the matter of the application of Mary P. Welch for enrollment as a citizen by intermarriage of the Cherokee nation.

Mary P. Welch, called as a witness, being first duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Mary P. Welch.
Q How old are you? A I am 60 years.
Q What is your postoffice address? A Tahlequah, I.T.
Q You claim to have Cherokee blood in you do you Mrs. Welch? A Yes sir.
Q You were an applicant before the Dawes Commission under the act of Congress of 1896 to be admitted as a Cherokee by blood; it appears from the records that the Commission admitted you as an intermarried citizen, and denied your rights by blood. Do you wish to claim as an intermarried citizen? A Yes sir.
Q What was your husband's name in 1896? A I have never been married but one time; I applied in the name of Welch.
Q Who was the name of the husband through whom you claim your rights by intermarriage? A Ira J. Collins.
Q When did you marry Ira J. Collins? A In '65.
Q Is he living or dead? A He is dead.
Q When did he die? A He died in 1878.
Q Have you married since the death of Mr. Collins? A No sir.
Q How does your name come to be Welch? A Well, they just called me that.

Examination by Joshua Ross, attorney for applicant:
Q Are you living wityh a man by that name? A Yes, but I have never been married to him.
Q You are married to him under the Indian custom? A Yes sir.

By the Commission:
Q You were never married to Thomas J. Welch? A No sir.
Q How long have you been living with him? A I guess ever since the latter part of 1879 or '80.
Q You have been living with him as his wife? A Yes sir.
Q You have been living as husband and wife? A Yes, we live as husband and wife.
Q You are still living with him? A Yes sir.
Q You was living with him in 1896? A Yes sir.
Q Where have you and Thomas J. Welch made your home? A Over there in the nation.
Q You have been living in the Cherokee nation since 1896? A Yes sir.
Q You never lived anywhere else? A No, I have been out of the nation, but but right back again.

By Mr. Ross:
Q Ira J. Collins was your husband? A Yes sir.
Q Was hea Cherokee Indian? A Yes sir.
Q When did Mr. Collins come to the Cherokee Nation? A He came there in 1875-- I think it was '75.
Q Were you admitted as a Cherokee by blood in 1875? A What he told me, they had me admitted as a Cherokee, and he come down here to the council at Tahlequah.
Q Was you put on the roll $ 1880 by an act of council? A I don't know whether I was or not; I went there for that purpose but I don't think they ever put me on .

S-Cher- D-1046.

Q Did Henry Woods credit you for goods? A- Well, I come down and had my name put on the rolls and I went to Henry Woods and got a lot of goods.
Testimony objected to by Cherokee nation as immaterial

---o---

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 28th, 1902.

B O Jones
Notary Public.

Cherokee D-1046.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Welch for the enrollment of his wife, Mary P. Welch, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 17, 1901, Thomas J. Welch appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment, among others, of his wife, Mary P. Welch, as a citizen by intermarriage of the Cherokee Nation. The other part es to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 14, and October 21, 1902.

The evidence shows that the applicant, Mary P. Welch, was first married to one Ira J. Collins, a Cherokee by blood, who died in 1878, and that since his death, she and the said Thomas J. Welch have been living together as husband and wife but have never been legally married.

It appears from the records of the Commission that Mary P. Welch filed, in due time, with the Commission to the Five Civilized Tribes, with others, her original petition for admission as an intermarried citizen of the Cherokee Nation under the Act of Congress of June 10, 1896 (29 Stats., 321), which was granted, and the said Mary P. Welch admitted by the Commission as an intermarried citizen of the Cherokee Nation, no appeal having been taken therefrom. At the time of her application and admission to citizenship as aforesaid, Mary P. Welch was living with said Thomas J. Welch, as his wife, and has continued to live with him since that time, and she has not been married to any other person since the death of said Ira J. Collins.

The evidence further shows that the applicant, Mary P. Welch, has resided in the Cherokee Nation ever since the date of her admission to citizenship.

It is, therefore, the opinion of this Commission that Mary P. Welch should be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated Muskogee, Indian Territory,
this _____

W E Hennessy

IN THE DEPARTMENT OF THE INTERIOR.

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In re	)	
Application of Thomas J. Welch,	:	Cherokee D-1140.
et al., for enrollment as citi-	)	
zens of the Cherokee Nation.	:	

----o0o----

A F F I D A V I T .

Jean F. Collins, being first duly sworn, upon oath deposes and says that he is of the age of 65 years; that he is a brother-in-law of Mary I. Welch and the brother of her former husband Ira J. Collins (otherwise known as James Collins); that said Mary F. Welch is the same person who was readmitted to citizenship in the Cherokee Nation by act of the Cherokee National Council dated November 29, 1875, under the name of Polly Collins, at which time she was the wife of said Ira J. Collins (James Collins); that said Mary I. Welch (Polly Collins) is a full-blood Indian; that said Ira J. Collins (James Collins), her husband, was a white man; that said Mary F. Welch (Polly Collins) was the husband of said Collins; that applicant, Thomas J. Welch; and that said Mary I. Welch (Polly Collins) is the mother of Jessie J. Welch and Jessie I. Welch.

Affiant further says that he knew the said Mary F. Welch (Polly Collins) for fifty-five (55) years; that her former husband, Ira J. Collins (James Collins) was to affiant shortly after the admission of plaintiff and family to citizenship in the Cherokee Nation informing affiant of said admission.

Affiant further says that Mary I. Welch's maiden name was Mary I. Johnson; that her father's name was Barney Johnson

and her mother's name was Phoebe Johnson. That affiant went to school with said Mary P. Welch (Polly Collins) and has been personally acquainted with her ever since.

John O. Cullum

Subscribed and sworn to before me this 24 day of September, A. D. 1903.

J. L. Harnage
Notary Public.

My Commission expires_____

Department of the Interior,

OFFICE OF INDIAN AFFAIRS.

Washington, November 10, 1903 ~~1890~~

I, W. A. JONES, Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

W. A. Jones

Commissioner.

IN THE DEPARTMENT OF THE INTERIOR.

----- O -----

In re
Application of Thomas J. Welch,
et al., for Enrollment as
Cherokee Citizens.

---- O ----

A F F I D A V I T

Personally appeared before me Thomas J. Welch, who, being first duly sworn deposes and says that he is one of the applicants in the above entitled cause and that Mary P. Welch, Jessie J. Welch and Josie P. Welch are the other applicants in said cause and that the said Jessie J. Welch and Josie P. Welch are the children of said Mary P. Welch and this affiant.

That the said Mary P. Welch is the same person who was admitted to citizenship in the Cherokee Nation by act of the Cherokee National Council on, to wit, the 29th day of November, 1875, under the name of Polly Collins. That said Polly Collins (Mary P.Welch) was at that time the wife of James Collins (who was otherwise known as Ira J. Collins) who was a white man and that said Polly Collins (Mary P. Welch) was admitted to citizenship as a Cherokee Indian and that said Polly Collins (Mary P. Welch) is a Cherokee by blood and that the said Jessie J. Welch and Josie P. Welch are also Cherokees by blood.

This affiant has been informed that the Commission to the Five Civilized Tribes admitted said Mary P. Welch to citizenship in 1896 as an intermarried white person, but affiant says that if that be true that the same was an error as above shown.

thomas J Welch

Affiant.

SEAL.

Subscribed and sworn to before me this 1st day of September A. D. 1903.

J. L. Harnage,

Notary Public.

J

Cherokee D 1046.

Department of the interior,
Commission to the Five Civilized Tribes,
Tahlequah, Indian Territory, November 24, 1903.

In the matter of the application of Mary P. Welch for enrollment as a citizen by intermarriage of the Cherokee Nation.

Applicant represented by K. S. Murchison and Ridge Paschal; Cherokee Nation by W.W. Hastings:

Thomas J. Welch Sr., being duly sworn and examined, testified as follows:

By W. W. Hastings:

Q What is your name? A Thomas J. Welch Sr.
Q How old are you? A I am fifty-three.
Q What is your post office? A Tahlequah. Whitmire is closest, but I always claim Tahlequah.
Q What is your wife's name? A Mary P. Welch.
Q Is she in town today? A No sir.
Q Is she at home? A No sir, she wasn/t when I went up there, she was gone.
Q You live up near Whitmire post office? A Yes sir. The folks told me she had left me.
Q When was that? A Day before yesterday; Saturday I went home and stayed until yesterday and then I come to town and she never come back.
Q Was she at your home when you went up there? A No sir. She told me some time back ---.
Q You mean she had separated from you? A Yes sir.
Q When did that come about? A Since I had been down at Muskogee. She told me a while back ,- she asked me if she could have her bedding and I told her, Yes.
Q When did you go to Muskogee? A I was there a week or so after that court here. The time of the Court I went down there.
Q Do you mean during the November term of 1903 of the Tahlequah Court? A Yes.
Q Up to the beginning of that Court you had lived together? A Yes sir, we had; I tried to get her to stay, but she told me she was going to leave.
Q What is Mary P. Welch's middle name? A She told me she was named after a preacher some where; I don't recollect exactly what it is. She told me, but I don'T know exactly. She can tell you better.
Q Do you mean to say now under oath that you do not know her middle name? A She said it was Mary P. and that she was named after some preacher; I think she said his name was Parks. I thibk that is what she toldme; I believe she told me that.
Q Didn/t you ever hear her middle name called? A No sir, we ne ver called her middle name.
Q She always went by the name of Mary then? A Yes sir.
Q How longhave you known her? A I have known her ever since '78.
Q Did you know her before '78? A No sir.
Q You are positive about that , are you, that you never met her until '78? A No sir.

BY COMMISSION.
Q ~~~

BY MR. HASTINGS:

Q Where did you first meet her? A On GRAND River where she lived.
Q With whom was she living at that time? A Jack Collins.
Q Is Jack Collins her former husband? A Yes sir.
Q Do you know Jack Collins? A Yes, I knowed him a month or two before he was killed, may be three months, I don't recollect exactly.
Q Did you know Jack Collins full name? A I know what they said it was.
Q What? A Ira Hackson Collins.
Q When was he killed? A He was killed in '78.
Q What children had your wife Mary P. Welch by her former husband, Jack Collins? A She had Clark, Susie, Lizzie, Frank and they had one that died before I come there by the name of Willie. They called him Willie.
Q Was your wife ever married, so far as you know, before she married Hack Collins? A No sir, not that I know of.
Q Did she have any other children before she married Collins, so far as you know? A None that I know of.
Q Did your wife ever have a child by the name of Clem Quinton? A None that I know of.
Q Did she ever have a child by the name of Kate Collins? A None that I know of.
Q Did she ever have one named Green or "G" Collins? A None that I know of, I don't knowhow they signed their names. I told you their names.
Q Answer that question; did she have a child named Green or initial "G"? A I don't know whether Frank had a middle name or not.
Q Did she ever have a child named Sarah Collins? A No, not that I know of. She had Susie, that is all I know about.

Counsel for the applicant merely suggests that Mrs. Welch would be a better witness on that and this is merely hearsay, though I do not care to object.

Q Do you have some children living by Mary P. Welch? A Yes sir.
Q What are their names? A Jesse J. and Josie P. Welch.
Q They were rejected by the Commission, were they? A Yes sir.
Q Have you made a motion through your attorney to reopen the case of Jesse J. and Josie P. Welch, which was filed before the Department of the Interior at Washington? A Yes sir.
Q I will ask you if you made an affidavit on the first day of September, 1903, before J. L. Harnage, Notary Public, here in the town of Tahlequah, in support of that motion to reopen those cases? A Yes sir.
Q I will ask you to please read this affidavit and say whether or not if that is a true copy of the affidavit you made on that date? (Presents the same) (Read to applicant).
A Yes.
Q You have heard this affidavit read? A Yes.
Q You signed and swore to that before J. L. Harnage, did you? A Yes sir.

By Mr. Hastings:
I desire to introduce this affidavit in testimony.

By Commission:
Marked Exhibit "A".

By Mr. Hastings:
Q You have just stated that you knew your wife's middle name was Parks or something like that? A That is the way I understand it, that is the best of my recollection.
Q You never heard it by anything else except that? A That is what I understood, that is what I understood that plea is for.
Q You have also introduced previously in this case on April 9, 1902, a certified copy of an act of the National Council of the Cherokee Nation approved November 29, 1875, admitting certain persons named therein to citizenship in the Cherokee Nation, and among them one is Polly Collins? A Yes sir.
Q You further state in this affidavit which has just now been introduced"2 That the said Mary P. Welch is the same person who was admitted to citizenship in the Cherokee Nation by act of the Cherokee National Council on towit, the 29th day of November, 1875, under the name of Polly Collins." You swore that, did you? A Yes sir.
Q You just now swear that she was never known by the name of Polly, but that her middle name was Parks, how do you reconcile that? A She said herman called her Polly and her brother-in-law called her Polly and she is known by that name where she come from.
Q You just now swore that you never heard she was called Polly? A She was called Polly by her pe ople, she told me that herself.
Q Why didn't you tell that in your testimony hereinabove? A I told you as near as I know it. She will tell you the same and all about it.
Q You never heard her called Polly? yourself? A I have heard old people --.
Q Did you ever hear her called Polly? A Yes.
Q Who called her that? A Park Collins, her brother-in-law.
Q When was that? A He used to when he come to my house.
Q Why didn't you state above when I asked you what that "P" stood for that she was sometimes known by Polly instead of Parks? A That is the way she was known as Polly, lots of people called her Polly that used to know her.
Q Why didn't you state that a while ago? A I stated it.
Q Why didn't you state that when you first sat down here? A I told you just as near as I knew how.
Q Well now, you stated under oath here that her former husband was Jackson Collins and that he was known as Ira J. Collins? A That is what his wife called him.
Q Jackson? A Yes sir.
Q Did yo u ever hear him called anything else but Ira J. Collins? A They used to call him "Whiskey Jim" on the river down there.
Q Who? A The boys around there.
Q Name one of them? A Mack Coat, Joe Coat and John Flowers.
Q Any of those fellows alive now? A John is.
Q Where does he live? A In the Creek Nation.
Q And they live in the Cherokee Nation? A He lived there then; he is a Cherokee citizen.
Q But now? A That is all I recollect of; he used to make whiskey there and they called him "Whiskey Jim".
~~Q This Clark Collins is his own son? A Yes.~~
Q He knew his father? A Yes.
Q He knew what he was called by? A Yes.
Q He knew what his mother was called by? A Yes.
Q Well now, Mr. Welch, you knew that your wife didn't have a child by the name of Clem Quinton, didn't you? A Yes sir, I did.
Q You knew that she didn't have a child named Kate Collins, did you? A Yes sir.
Q And you knew she didn't have a child named G. Collins, didn't you? A Yes sir. I don't know whether Frank had a mi ddle name or not.

Q If he did you never heard of it? A It seems like I heard his mother -- they always called him Frankie.
Q You never heard her have a child named Sarah? A No, but she had Susie.
Q I am talking about Sarah? A No, I never heard one by the name of Sarah.
Q Then none of the children in this act which you have introduced as being approved on November 29, 1875, correspond with the actual names of the children then in existence? A No, they don 'T.
Q But still you, under oath, go before a Notary Public and swear that this is one and the same person, do you? A Yes.
Q Why did you swear that? A I can tell you. I first got my information from Henry Dick. He said the papers sho wing who Polly Collins was is in the office at Vinita when the Dawes Commission was there and he said this, my wife, was the woman, and then I went to old Judge Benge at Fort Gibson and asked him if he knew anything about it, and he said he was in the Senate when she was admitted and that her maiden name was Polly Johnson; that is where I got my information. He toldthaton his dying bed . And I went to Mr. Breckinridge and asked to have him brought there, and he said he didn't want anything but the admission and Mr. Benge wrote to Mr. Breckinridge all about the case and I guess he has it yet. There is no Clem Quinton that I can find that ever belonged to these Collins and there aint but the one Collins admitted in '75.
Q Well, Captain Benge is dead, isn't he? A Yes sir, but he made a statement before his wife and family and they will tell you the same.
Q But he didn't make it before the Commission. A No sir, I tried to get it before the Commission and Mr. Breckinridge said he wanted nothing but the certificate.
Q You knew Henry Dick was too young to know what transpired in 1875, don't you? A The papers are in the court who was admitted and how and Benge said she was admitted by the evidence of Judge Walker. They first denied all of them, and when they seen Judge Walker she was admitted as a "Injun" and I told him Collins was an "Injun" too, and they didn't believe Collins was an "Injun".
Q Were they admitted by the Commission? A I mean the Council.
Q You haven't answered my question about Henry Dick; you knew he was too young to know anything about 1875. He got it from the papers in the nation some where. The papers are there now.
Q Everything you state in here then is what you heard from Captain Benge, who is dead, and Henry Dick, as you say? A Yes, and other people.
Q What other people? A John Flowers said he was there.
Q John Flowers isn't in the country? A He is in the Creek Nation.
Q What is he, a Creek or white man, or what? A He is a Creek. John Flowers said he was one of the witnesses when Collins was admitted. He said he was admitted in '75 is all he knows about it, because he was here as one of Collins' witnesses.
Q When did you first hear of this? A When Henry Dick told me; I forget when it was.
Q When was that? A It was since I applied in '96 for citizenship.
Q Was it before you applied to this Commission in 1901? A I forget.
Q Was it before you filed this case? A Yes sir.
QWhy didn't you make some reference to it when you first filed your case? A Well, I don't know but that I done the best I knowed how.
Q You never heard your wife make any reference to it? A Yes sir, my wife, told her that he had her admitted as an "Injun", and she will tell you that herself, and all who was witnesses; that was Bird Harris, Charles Wolf and all those people were witnesses for him.
Q Bird Harris is dead? A Yes; and Al Gott's wife was a witness and she aint dead; she was a sister of Mrs. Wolf.
Q You never drew any strip money in '94? A No.
Q You didn't know in '94 that your wife had ever claimed to be

admitted before? A Why, Collins told me himself that he had her admitted before he died.
Q You never took occasion to look it up that time? A No. I never looked it up until Henry Dick told me about it; that is I tell you the truth about it. That is why I went to Benge, I wanted to hunt some old people that knowed her and the papers will show all abo ut it, if I can find them.
Q You never knew it in 1896 and you never made any reference when you applied to the Commisson? A No, I didn't know it.
Q I thought you said she told you about it? A I know she told me, but I di dn't know when it was until Henry Dick told me; I didn't know how to get it.
Q You have been in law, in courts, all your life, haven't you?
A No sir, I have been in more law with you than anybody else.
Q Then you never knew about it at all until Henry Dick told you?
A No, I never knew until I heard the papers were here to show it. I know what Collins told me himself. Old man Boudinot came and got a horse from him; he tended to it for him.
Q That was when Collins applied in his own name? A Collins had applied before I cme to the country, Sir.
Q That was in 1874 or '5? A In ' 75 I reckon ,by these papers.
Q You know that Collins himself claims to be a Cherokee and that Clark Collins claims through his father? A I don't know; that is what he told me that they made an "Injun" out of his wife. He told me himself.
Q You never laid enough stress on that until Henry Dick told you?
A No, I didn't; I didn't know whatto look for.
Q Yet you are applying for citizenship in the Cherokee Courts and Commissions ever since? A No.
Q Didn't you put in an application before the Cherokee Courts in 1896? A Yes, for her and the children.
Q Why did you do that if you heard she had been admitted prior to that time? A George Butler tended to it.
Q Why did you have it put in if she had been previously admitted?
A Why, she wanted the '80 money. She come here in '80 and wasput on the roll and she will tell you so. Bushyhead said he knew her and put her on the '80 roll.
Q When did you first apply to the Cherokee Court or Council after you and she began living together as husband and wife? A I got Butler to do it in '80 some time to get the '80 money for them, and they didn'y pay it to none but Clark and Susie and she had Frank and Lizzie living with her then and they never paid it to them.
Q Did you make an effort to get the '83 money? A I don't recollect how that was now.
Q Did you make an effort to get the '86 money? A I don't know; I think Thompson got the money for Lizzie all the way along.
Q But for your wife? A No, I didn't.
Q Lizzie was Jack Collins' Girl? A Yes sir.
Q Did you make an effort in '90 or 91 to get any money for your wife? A No.
Q Did you apply to any of the Commissions to have your wife and children by her enrolled? A Yes sir, by the Dawes Commission.
Q Prior to that time? A No. My wife, I think, is on the '78 roll of the Spear's Commission. I think Bob French had that done. He was an officer for the nation and he carried her name in, he told me, and she is on th t roll admitted by the Spears Commission.
Q You never had a certificate to that effect? A No, but I saw it on the book.
Q You say where, she was admitted on the book? A Mary Collins, I tell it to be her.
Q But you never had enough confidence in it to have it introduced?
A I tell you I went back to get the books and I couldn't find it no more. It was in the Cherokee Council and iI couldnt't get hold of it.
Q Dont you know there wasn't a Spears' Commission in '78? A That

is what it said.
Q You swear that there was a Spears' Commission in '78? A To the best of my recollection.
Q But it is just to your best recollection, you are not positive? A The records w ill show.
Q You said there was no such records? A I said I couldn't find them any more, and I couldn't see them any more.
Q Did you make application for them? A Yes sir, I went and asked for them.
Q You didn't get any '94 money for your wife and two children, Jesse or Josie? A No.
Q Never tried for them? A No.
Q If she had been admitted before and Jack Collins, why didn't you make an effort? A I didn't know it befo re.
Q I thought you said Jack Collins told you? A He told me, but I never tried to find it until Henry Dick told me about it.
Q Then you swore on the first day of September, 1903, that your wife is the same identical person that was admitted by this act of the Cherokee National Council of date November 29, 1875? A Yes.
Q And you swear that now? A Yes.

Mr. Hastings:

Counsel for the Cherokee Nation asks that the 1880 roll be examined to ascertain wheth r or not any of the names of the parties admitted by the act of November 29, 1875, are upon that roll or not.

Mr. Murchison:

Counsel for the applicant calls attention to the fact that from time to time the Cherokee National Council, even as late as 1884, directed the enrollment of people on the 1880 roll, and we may wish to introduce some evidence of those later laws.

Commission:

An examination of the original 1880 authenticated roll for the Cherokee Nation of Sequoyah District shows the following enrollment on page 687, No. 244, Katie Collins, native Cherokee, aged twenty; No. 245, James Collins, adopted white, aged Sixty-seven; No. 246, Green Collins, native Cherokee, aged thirteen; No. 247, Sallie Collins, native Cherokee, aged six.

It further appears that the Katie Collins whose name appears on that roll as No. 244, on August 28, 1900, applied to this Commission under the name of Katie Crenshaw for enrollment as a citizen by blood of the Cherokee Nation, giving the names of her parents as James Collins, a non-citizen, deceased, and Polly Collins, a Cherokee by blood, deceased. Sallie Collins, appearing on that roll as No. 247, applied to this Commission on February 18, 1901, for enrollment under the name of Sallie McCoy as a citizen by blood of the Cherokee Nation, giving the names of her parents at that time as James Collins, a non citizen, deceased, and Polly Collins, a Cherokee by blood, deceased. James Collins and Green Collins appear upon the 1880 roll marked dead. Clem Quinton and Eliza Collins cannot be identified upon the 1880 roll from the data in hand.

By Mr. Murchison:

Q Mr. Welch, who is this woman, Mary P. Welch, as known by the record; were you ever married to her? A No sir.
Q Did you ever apply to the clerk of the Court of the Cherokee Nation for a license to ~~Mxxx~~ marry Mary P. Collins? A No sir.
Q But you are living with her? A Yes.
Q Did you ever apply to the United States Clerk for a license to marry her? A No sir.
Q Then she is not your wife? A Not by law. I have been living with her.
Q Under Cherokee law? A Yes sir.
Q Under Cherokee law you are not intermarried with her? A No sir, I never married her.
Q Why didn't you have Mr. Benge to appear before the Commission to testify in this case? A Mr. Breckinridge told me he didn't want anything but the certificate.
Q Did you get the certificate? A Yes sir.
Q Where is that? A I left it with the Commission.
Q What was Benge's state of health? A He was sick and couldn't go.
Q That was the reason? A Yes sir, he was sick.
Q And the Commission said it was sufficient? A Yes sir.
Q You left that certificate that was made by Mr. Benge with the Commission? A Yes sir, it was made by the '75 roll. Mr. Benge just wrote a letter to Mr. Breckinridge, and Mr. Breckinridge said he didn't want his evidence at all, the certificate was all he wanted.

By R. Paschal:

Q When you say you saw Mr. Benge, do you mean Sam Houston Benge?
A Yes sir.

By Mr. Murchison:

Q You said something about Mr. Breckinridge wanting a certificate; from whom did he want that certificate, and would be satisfied with it? A From the Cherokee Nation.
Q A Certificate from the Cherokee Nation? A Yes sir, to that effect.
Q What effect? A That this was my wife, my woman. Mr. Benge wrote to Mr. Breckinridge about the case and I told Mr. Breckinridge that I ought to summon him there, the name wasn't exactly right, and he said just to bring the certificate; he said that Benge had already written him.
Q Do you mean this is what you got? A Yes, Mr. Benge wrote a letter and Breckinridge told me to get that.

By Commission:

Q You refer to this certified copy of an act readmitting Polly Collins and others to citizenship in the Cherokee Nation which is on file in your case? A Yes sir.

By Mr. Paschal:

Q What did Benge write to Breckinridge, a letter? A Yes sir, a letter to Breckinridge.
Q You say Benge was sick at the time? A Yes sir.
Q Do you know whether Benge died from that sickness or not? A Yes sir, he died.

By Mr. Murchison:

On the question of Mrs. Welch's right by blood, we want to introduce such record as we may have to show her right.

By Commission:

By agreement of counsel for the parties here present this hearing of the case will be continued until December 1, 1903, at 1:30 P.M.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

E. G. Rothrock

Subscribed and sworn to before me this 28th day of November, 1903.

Samuel Foreman

Notary Public.

Testimony of Mary P. Welch, taken at Muskogee, Indian Territory, on November 30, 1903.

Mary P. Welch, being first duly sworn, testified as follows:

By Mr. Woodruff:

Q What is your full name? A Mary P. Welch.
Q What does the "P" stand for? A Parks.
Q Where do you live? A I live about fifteen or eighteen miles above Tahlequah I guess.
Q Were you present at a conference between your husband and a Mr. Markham regarding the leasing of lands that you control up there? A Yes sir, I guess so. He was up there.
Q Do you remember what Mr. Markham said to your husband? A No sir, I don't remember all of it.
Q Tell us as much as you do remember. A Well, I don't know what all he said about the leasing but when he come there I was not home and when I come home Mr. Welch introduced me to Mr. Markham and he told me to sit down and he wanted to talk to me and I taken a seat and he told me he was from Muskogee and he had - he said "I know you all. I know your names. I have learned your names through the Dawes Commission. Your names are familiar. You looks little older than I expected to see you but I know all your names. Mary P. Welch, Josephine and Jessie Welch. Knew you all. I have seen your names through the Dawes Commission" and he says "If it hadn't been for me there wouldn't any of you been on the roll and also Jack Merton and his family, Tommie Welch, Susie Welch Jessie Welch, Hester Welch."
Q Do you know whether these families you have mentioned are on the roll? A Some of them I don't think is on. I think the Merton family is all on.
Q Is your family? A No sir.

Q How many of your family? A Just two children. Me and the two children.

Q Just two children? A My two last children, Mr. Welch's children. My first children I have just got one on the roll . The rest is all dead.

Q What is the name of that child? A Clark Collins.

Q And one of your children by Mr. Welch is on the roll?

A No sir, they are not on.

Q Only the one by your first hudband? A Yes sir, just the one.

Q How long have you been on the roll? A Ever since '96. I was admitted in '96.

Q Admitted by whom? A The Dawes Commission, the Council or -----

Q Was the boy that is on the roll admitted too? A Clark Collins?

Q Yes. A I don't know, sir. Yes sir, I think so.

Q You say Mr. Markham represented to you that he had all these names put on the roll? A Yes sir, that's what he said. He made me believe that was all; I don't know exactly that he said if it hadn't been for him we would have all been knocked off. I thought he was some of the Dawes Commission.

Q What else did he say about the Dawes Commission? A I don't recollect. I didn't pay much attention to his talk.

Q Was any body present when he had this conversation with you? A They was present but he talked low to me.

Q So that those who were present could not hear? A No sir.

Q Did he say anything to you about standing in with the Dawes Commission? A No sir, I don't remember that he did or not.

Q Did he say that he had a pull with the Dawes Commission or Mr. Aylesworth. A He talked like he could do just most anything he wanted with the Dawes Commission.

Q Just tell us what he said. A I couldn't tell you. I have forgotten it. I didn't pay enough attention to understand.

Q Did he make any statement about how well he knew the Dawes Commissioners? A No sir.

Q Did he use the name of any of the Dawes Commission? A No sir, I don't believe I know except Mr. Aylesworth. There was several of them I heard them talk about but I have forgotten their names.

Q Did he mention Mr. Aylesworth's name? A Yes sir, I heard him.

Q What did he say? A I don't know. I couldn't tell. I heard him call his name but I don't remember what he said.

Q Did he mention Mr. Bixby? A I don't know whether he did or not.

Q Did he mention Col. Needles? A I heard him speak of Needles too.

Q What did he say? A I don't know. Mr. Needles and Mr. Aylesworth I know.

Q Were there any others ; did he mention Mr. Stanley or Mr. Breckinridge? A No sir, I don't recollect that he did.

Q How long ago did this conversation take place? A Along in the spring. I think in March.

Q This last March? A Yes sir.

Q Can't you remember something Mr. Markham said to you about some one of these parties I have mentioned? A No sir.

By Mr. Wolfenberger:

Q Did he tell you that he belonged to a company and what that company consisted of? A Yes sir he told me he wanted to lease land for a company. There was a company of them he was under obligations to the company.

Q Did he tell you what company it was? A No sir. The Dawes Commission.

Q He led you to believe it was the Dawes Commission? A I don't know that he led me to believe it but I never had no better sense than to think so.

Q Did he tell you that he leased any land any where around Marble City? A Oh yes sir, he had leased a lot of land.

Q The company had leased a lot of land? A Yes sir, he had a lot of leases.

Q Did he tell you who composed that company? A No sir, I don't think he did. If he did, I don't recollect.

Q Then you have told us all you know about what he said to you about leasing the land up there? A Yes sir, he didn't like it because we didn't lease to him. It hurt his feelings he said when a man didn't come up to his promise. He had got people on the roll and they would go back on him. This man Morton he said went back on him. He was to file on Mineral land and when he filed he filed on prairie land close to Vinita and leased his land out to some one else for agricultural purposes.

Q Something was said about filing on the land over there and timber being cut on the filing. Tell us something about that.

A Mr. Benge he had all the walnut timber cut off some land that Mr. Welch filed two minor children, orphan children, on.

Q What are their names? A Watkins. My grand-children. Part of it is mine. Part of it goes up into my filing. He has cut the walnut off it all.

Q Has he taken it off the land? A No sir, it is lying there yet.

Q That is in contest now is it? A Yes sir, it's not settled.

Q This land that is on contest over there, he sold that land did he not? A Yes sir Tom Welch, Mr. Welch's son, agreed to sell it to Benge. They sold it to Mr. Benge for a thousand dollars. In the first place they was to have two thousand. They was to have one thousand dollars down and notes for the balance but he failed to pay this thousand dollars. He paid a hundred dollars down and gave notes for the balance and a mortgage on the place.

Q What did that improvement consist of? A They was two good houses on it, tolerable good houses.

Q Who put those houses there? A I had them put there me and Mr. Welch paid for them.

Q Did they pay for them ? A No sir, except that hundred dollars. and up further on the other end of the farm there was three more houses.

Q Did you put them there? A Yes sir.

Q He paid you nothing for them except that hundreddollars?

A Yes sir that's all.

Q How much cotton and corn land- how much land in cultivation on that place? A Nearly a hundred acres I guess. Maybe eighty.

Q What kind of a crop did they raise last year? A Fine crop.

Q Did you get anything out of it? A No sir.

Q What kind of a crop was raised there this year? A Good crop. The cotton not quite so good as last year.

Q About what amount do you think per pound per acre? A One thousand pounds to the acre.

Q Do you think there was that much raised this year? A No sir there might not have been. Last year there was more I think than a thousand pounds per acre.

Q How much of it in cultivation? A Seventy five or eighty acres. A hundred acres in the field but some of it is wet land.

Q How much of that was in cotton this year? A I guess thirty-five or forty acres. I reckon there is that much. There might be more or there might be less.

Q And you say they never paid you anything at all only the hundred dollars? A No sir.

Q You put the improvements there- four or five houses there? A Yes sir, ther's four houses. Five houses, one is a little log house but people live in it.

Q Has Mr. Benge refused to pay for that land? A Yes sir, he wont pay it.

By Mr. Riley:

Q Give me your full name again, please. A Mary P. Welch.

Q What is the "P" for? A Parks.

Q You were admitted to citizenship in the Cherokee Nation by the Commission in 1896 as an intermarried citizen were you not? A Yes sir, I think so.

Q Who did you claim your rights as an intermarried citizen through? A Collins.

Q What Collins? A Ira Jackson Collins.

Q And he is the father of your child that has been enrolled, is he not? A Yes sir, Clark Collins.

Q Were you ever the wife of a man by the name of James Collins? A No sir.

Q Were you ever known as Polly Collins? A No sir, that that I know of. I was called Polly when I was a girl and lived at home with my father.

Q But you never were the wife of James Collins, a white man, were you? A No sir.

Q Were you ever recognized or admitted by the Cherokee authorities before 1896? A No sir. Well, in '75 my man come up here- we come to this country in '75 and he come to Tahlequah and had us all admitted, the family.

Q In 1875? A I think it was in '75 or '76. Maybe it was '76. I might be mistaken. It might have been in '76.

Q Your man's name was Ira Jackson Collins? A Yes sir.

Q And he claimed by being a Cherokee by blood did he not?

A Yes sir.

Q And you claim by virtue of being his wife? A Yes sir.

Q Now, Mrs. Welch, have you been finally enrolled by the Dawes Commission and been approved by the Secretary of the Interior?

A No sir.

Q Your citizenship is still pending? A Yes sir, I guess it is.

Q By virtue of your 1896 judgment? A I have never got no notice that I was straight on the roll.

Q Did you ever have a child by the name of Clem Quinton Collins? A No sir.

Q Did you ever have a child by the name of Sallie Collins?

A No sir.

Q Who is now Sallie McCoy? A No sir.

Q Do you know Sallie McCoy? A No sir.

Q Did you ever have a child by the name of Kate Collins?

A No sir.

Q Who is now Kate Crenshaw? A No sir, I don't know her.

Q You don't know either one of these people? A No sir.

Q Are you and Mr. Welch living together now? A Yes sir. I have not been at home for two or three weeks.

Q Were you separated from Mr. Welch a week ago? A I went to my son's, Clark Collins.

Q Was there a falling out or separation? A No sir, only he wasn't at home and I got tired staying there.

Q You are still living together as man and wife are you?

A Yes sir. I haven't been home though, yet. I haven't been at home since.

Q When were you married to Mr. Welch? A I have never been married to Mr. Welch lawfully.

Q Never any ceremony at all? A No sir.

Mr. Wolfenberger produces certified copy of letter from James A. Veasey to Thomas J. Welch, Jr. dated October 6th, 1903, being the letter referred to by Mr. T. J. Welch in his testimony.

Witness excused.

Mary P. Welch, being recalled, testified as follows:

By Mr. Wolfenberger:

Q You were admitted as an intermarried citizen in 1896 by the Dawes Commission?

Mr. Riley states that the records show this to have been the fact.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled matter and that the above and foregoing is a true and correct transcript of her stenographic notes of said proceedings.

Myra Young.

Subscribed and sworn to before me this 1st day of December, 1903.

Edward Merrick
Notary Public.

Cherokee D 1046.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 1, 1903.

In the matter of the application for the enrollment of Mary P. Welch as a citizen by intermarriage of the Cherokee Nation.

Clark L. Collins, being duly sworn and examined, testified as follows:

Examination by W.W.Hastings.

Q What is your name? A Clark L. Collins.
Q What is your age? A Thirty-seven.
Q What is your post office? A Moodys, I. T.
Q Do you know Mary P. Welch? A Yes sir.
Q What relation does she sustain to you? A She is my mother.
Q You have known her ever since you can recollect? A Yes sir.
Q You are married now? A Yes sir.
Q How long have you been married? A About seven years, I believe.
Q Have you lived with and about her all of your life? A Yes sir.
Q What does the middle initial "P" stand for in her name? A Parker.
Did you ever hear her called Polly? A No sir, never did.
Q What is your father's name? A Ira Jackson Collins.
Q Is your father dead? A Yes sir.
Q About when did he die? A About '74 or '5, I don't know exactly when.
Q You are not certain as to the exact date? A No, not exactly.
Q Was your father ever called Jim? A No sir.
Q Will you please state the children that your mother had by your father, Ira J. Collins, as you remember them? A I am the oldest one.
Q Clark L.? A Yessir. Susie, He nry, Frank and Lizzie and Willie. There are six.
Q Now is Susie, Henry, Frank or Lizzie living? A No sir, none of them are living.
Q Willie dead also? A Yes sir.
Q They are alldead but you? A Yes sir, all dead but me.
Q Did you ever have a sister by the name of Kate? A No sir.
Q Did you have one by the name of Sallie or Sarah? A No sir.
Q Did you have a brother named "G" or Green? A No sir
Q Did you have a half brother by the name of Clem Quinton? A No sir.
Q Is your mother separated from T. J. Welch now? A No sir.
Q Were they separated a week or ten days ago? A No sir, she cme to my house on a visit, she stayed about a week.
Qm They are over in Muskogeetogether now, aren't they? A Yes sir.
Q He knew a week ago that they weren't separated when he testified then? A Yes sir, he knew.
Q There wasn't any talk of any separation? A No sir, not that I ever heard of.

By Mr. Murchison:

Q Mr. Collins, did you ever attend the Seminary here? A Yes sir.
Q You were admitted as a Cherokee? A Yes sir.

BY W. W. Hastings-

Q Your father, Ira J., was a Cherokee, wasn't he? A Yes sir.
Q You were admitted by virtue of your relationship to your father?
A Yes sir.

By Mr. Murchison:

Q Did you attend the Seminary before or after your father's death?
A After my Father's death.
Q When were you admitted to the Seminary? A In '79 I believe.
Q Your sister, Susie, was also admitted in the Female Seminary? A
Yes sir.

By Mr. Paschal:

Q You said you have lived by these folks for three or four years; were you not absent since they lived up here; weren't you at Sing Sing two or three years? A No sir.
Q Were you ever in prison? A Yes sir, I was gone from home one or two months.
Q What were you convicted for? A For selling whiskey.

By Mr. Hastings:

Q You were pardoned by the President? A Yes sir.

By Commission-

Q Was your mother a white woman or Cherokee? A A White woman.
Q You spoke of having been admitted by the Cherokee National Council; was she admitted at the same time you were? A No sir.
Q How were you admitted, in what way? A By special act of Council allowing us our '80 money and ordered us placed on the '8o Roll.
Q You claim you were admitted by virtue of having had the '8o payment appropriated to you by Council? A Yes sir.
Q Did your mother receive that money? A No sir.

By Mr. Hastings-

Sallie McCoy, being duly sworn and examined, testified as follows:

Q What is your name? A Sallie McCoy.
QW What is your age? A Twenty-nine.
Q What is your post office? A Sallisaw, I. T.
Q What is your husband's name? A Charley McCoy.
Q What was your father's name? A James Collins.
Q What is your mother's name? A Polly Collins.
Q Was Jim Collins a Cherokee or White man? A He was a white man.
Q Was Polly Collins a Cherokee or white? A She was a Cherokee.
Q When did your mother die? A Why, I Couldn't tellyou just exactly.
Q About when, before or after '8o? A It must have been after '80 Some time. I was just two months old when she died.
Q That would make it before '8o wouldn't it? A Yes sir.
Q You were a year and two months old when she died? A Yes sir.
Q When did your father die? A He died in '84.
Q Did your mother have any other children besides yourself? A I don't just remember what the two boys,-whether they were my own brothers or not. She had two boys besides myself.
Q What were the Girls' names? A Liza and Katie Collins.

Q What was the boys' names? A Wid he was called; his right name was Green, and I don't rememberthe other boys name; he has been dead quite a while.
Q He died when you were an infant? A Yes sir, I was small.
Q Is Green living now? A No sir.
Q Are any of the members of your family, and of your brothers or sisters living? A Just one.
Q What is her name? A Katie Crenshaw.
Q Where does she live? A Close to McLain, Canadian District.
Q Do you know how far that is from Bennett, I.T.? A No sir, I don't. It is close to that new depot.
Q You say Eliza your sister is dead? A Yes sir.
Q Did she die when you were quite small? A Yes sir.
Q Were you the youngest member of your family? A Yes sir.
Q Do you remember whether you had a brother or half-brother by the name of Clem Quinton? A Yes sir, I kind of remember a little about it. Just as I told you about it he died when he was small, but I can remember the name.
Q He was the other brother that you spoke of? A Yes sir.
Q And the other one was named Green? A Yes sir.
Q Did Green die before or after your father died? A He died after my father died.
Q Then he was living and your father living in '80? A Yes sir.
Q And you and Kate living in '80? A Yes sir.
Q The rest died prior to that time? A Yes sir. I hardly remember anything about the others.
Q You were too small? A Yes sir.
Q In what district were you living? A In Sequoyah.
Q You are living in that district yet? A Yes sir.
Q And have always lived in it? A Yes sir, except when I was at the Asylum at school. That was the only time I was ever out.

Mr. Paschal:

Q Do you know whether your father and mother were ever admitted in the Cherokee Nation by an act of the Cherokee National Council? A I don't know positively, but I think they were.
Q Wasn't your father a citizen of the Cherokee Nation before the war? A I couldn't tell you.
Q Didn't he serve in the Watie Cherokee regimant in the Confederate Army? A I think he did, but I couldn't say positively.
Q And your mother was an Indian? A Yes sir, she was a Humphreys.

By Mr. Hastings:

Q But you heard they were admitted since the war by an act of the National Council? A Yes sir.
Q But you don't know which of your own knowledge? A No sir.

Mr. Paschal:

Q Did they ever tell you they were admitted? A I don't remember.
Q You never heard of their being admitted by an act of Council? A No sir.
Q They simply mingled with other Cherokees? A Yes sir.

Mr. Hastings:

Q You weren't but a year old in '75, you were born in '74? A Yes sir.

John H. Adair, being duly sworn, and examined, testified as follows:

By Mr. Hastings:

Q What is your name? A John H. Adair.
Q What is your age? A Forty-eight.
Q What is your post office? A Sallisaw, I. T.
Q Do you know Mrs. McCoy, the woman that just left the stand? A Yessir.
Q Did you know her when she was a girl? A Yes sir, I knew her since she was about thirteen years of age, I guess.
Q She lived with you from the time she was thirteen up until the time she married? A Yes sir. She made part of that while her home. She was in the Orphan Asylum.
Q Did you know her father? A Yes sir.
Q What was his name? A James Collins.
Q Do you know whether he was a white man or Cherokee? A It is my understanding he was a white man.
Q Did you know her mother? A No sir.
Q Did you know of her? A Yes sir, I knew the family.
Q What was her mother's name? A Polly Collins.
Q Did you know any other member of the family except this woman and her father and mother? A I knew her sister Kate; when I first knew her she was Kate Edwards. Since he died she married a man by the name of - I can't call it.
Q Crenshaw? A Yes sir.
Q Where does she live? A I think she lives some where near Webbera Falls.
Q In Canadian District? A Yes sir, Canadian Disrict.
Q Did you know her brother by the name of Green Collins? A No sir, I never was acquainted with him. I knew of him.
Q You knew she had a brother of that name? A Yes sir.
Q You didn't personally know her mother? A No sir.
Q About what time did Jim Collins die? A He died about the year 1884, I think it was.
Q Do you know about when Green died, whether it was before or after that time? A It was after His father died.
Q Then Jim Collins and Green and Mrs. McCoy, Sallie Collins, and Kate Collins were living in '8o? A Yes sir.
Q Did you know any of the other members of the family? A No, sir, I didN't.
Q You didn't become intimately acquainted with them? A No sir.

By Mr. Murchison:

Q You say that when you first knew Mrs. McCoy she was about thirteen years old? A Yes sir.
Q What year was it you first knew her? A Well, that was in - I think it was in the spring of 1886; that was when she come to live with us. I didn't know her age exactly and she didn't; we were just guessing at it. I Don't believe she had any record of her age.
Q You knew the other members of the family though, in your testimony, prior to that time? A Yes sir. I knew her sister Kate.
Q Before you knew her? A Yes sir.

By Mr. Paschal:

Q Didn't James Collins serve in the Watie regiment during the war?
A I couldn't tell you.
Q You don't know? A No sir.

By Mr/ Murchison:

Q Do you know whether this family of Collins' were ever admitted by the Council of the Cherokee Nation to Cherokee Citizenship? A I don't know, sir, anything about that.

By Mr. Paschal:

Q You never heard of their rights being questioned, did you?
A No sir.

By Mr. Hastings:

Q You never knew them as early as '75, did you? A No sir.

Commission:

By agreement of counsel the hearing of this case will be continued until 2:00 o'clock P. M., Wednesday, December 2, 1903.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger

Subscribed and sworn to before me this 2nd day of December, 1903.

Simon R. Washington
Notary Public.

Cherokee D 1046.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 2, 1903.

In the matter of the application of Mary P. Welch for enrollment as a citizen by intermarriage of the Cherokee Nation.

Appearances:
Mr. Murchison and Mr. Paschal, for applicant;
Mr. W. W. Hastings, for Cherokee Nation.

Mary P. Welch, being duly sworn, and examined, testified as follows:

Examination by Mr. Murchison.

Q State your name, age and place of residence? A Mary P. Welch.
Q How old are you? A I am Sixty-two years old.
Q Where do you live? A I live in Tahlequah District, on the Illinois River.
Q Is Tahlequah your post office? A Whitmire.
Q Mrs. Welch, I will ask you who was your father? A Barney Johnson.
Q Was Barney Johnson a white man or Cherokee? A I don't know whether he was a white man or Cherokee; I don't know, he claimed Cherokee.
Q Was he recognized as a Cherokee here? A I don't know; I never seen him in this country. I don't know that he ever was here.
Q He never lived in this country? A No sir, he lived in Georgia.
Q WHe was your first husband? A Ira Jackson Collins.
Q What was his Blood? A He was Cherokee and white.
Q Was he recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Were you recognized as a citizen of the Cherokee Nation, Mrs. Welch, heretofore? A I don't know as I was. I reckon I was.
Q Were you ever admitted to citizenship as a Cherokee by blood? A I was admitted here in '75. I don't know whether by blood or whether he had me admitted as adopted. He told me he come up here and had us all admitted; he said he had us all made Cherokees.
Q Who do you mean? A My husband, Ira Jackson Collins.
Q He told you? A He told me that he had us all made Cherokees.
Q That was in '75? A Yes, it was in '75, I reckon.
Q When did your husband die? A He died in '78.
Q After your husband died did you continue to enjoy the rights of citizenship in the Cherokee Nation? A Yes, I thought I was enjoying the rights. I bought me a place and moved on it.
Q Was there any objection made to your occupying land as a citizen of the Nation? A There never was. I sent the children up here to school after he died. There never was any objection made to them.
Q In what department did you have the children? A In the primary department, one in the Male Seminary and one in the Female. They stayed there three sessions.
Q What was the names of those children? A Clark L. Collins and Susan Ann Collins.
Q Mrs. Welch, will you state whether or not you were ever called by the name of Polly? A I was called Polly when I was a girl at home. Some of my people called me Polly. My father called me Polly.
Q After your husband died, Mrs. Welch, have you married since? A NO sir, not lawfully. We just made agreement between ourselves, me and Mr. Welch.
Q Then your proper name is Mary P. Collins? A I reckon. You are lawyers, you ought to know. I suppose that would be my proper

name, but I go by the name of Mary Welch.
Q You are generally known by that name? A Yes sir.
Q After Mr. Collins' death did you ever receive any money from the Cherokee Nation? A No sir.
Q Were you ever enrolled as a Cherokee Citizen? A I don't reckon I ever was enrolled until the Dawes Commission enrolled me in '96.
Q When was it Mrs. Welch that you wanted to get a credit from a man by the name of Henry Wood who was in business here at Tahlequah?
A That was in '86, I reckon.
Q Would he give you a credit? A Not until he seen I was enrolled. He went to see and told me where to go to. I had been missed; the census takers hadn't come to our house at all and he told me where to go to have my names and the children's on the roll, and I went there and they taken the names.
Q State who it was that took the names? A I don't know, I don't recollect. He told me, but I forgot. He told me what room to go to and I think he went with me.
Q Did you talk with the Chief of the Nation about it? A Bushyhead?
Q Yes. A Yes.
Q Was it he that went with you? A I don't believe I saw the Chief then. I went to the Chief and talked to him about it, that was after the payment though.
Q Did that visit of yours to the Chief result in such action over there that Mr. Wood consented to give you credit? A Yes sir, when I come back he went and seen again, and he let me have the goods on that payment.
Q Mr. Wood went and saw for himself? A Yes.
Will Mr/ Wood be here this afternoon? A He said he would.
Q When your husband came here in '75 did he bring any parties with him as witnesses of your right, do you remember? A Yes sir. He brought some here, I don't know whether they all went in as witnesses or not. That is what they come for. His aunt Jane Harris was one; Al Gott and his wife Susan Gott.
Q Please state which ones are dead? A Aunt Jane is dead. Sue and Gott are living. Puss Wolf she lived here at this place, she is a sister of Susan.
Q She is dead also? A Yes sir. Bird Harris he come, but he didn't come with them; and he is dead.
Q Now Mrs. Welch, I believe you said that you didn't know whether your father was a Cherokee or not? A I don't know; my father used tocall me his little Cherokee, and I heard him say I was more like a Cherokee than the rest of them: He called me Cherokee because I was darker than the rest of them. I don't know that he was Cherokee, but I have seen some people when we came to this country by the name of Johnson and they said they were connections of mine and they knew I was Cherokee.
Q Do these connections live in the Cherokee Nation? A I reckon they do, they lived on Canadian. I never seen them afterwards.
Q They did at that time? A Yes sir.
Q You don't know whether they were recognized citizens of the Cherokee Nation? A I don't know, I reckon they were, they said they were.

By Mr. Hastings-
Q Where did youcome from to this country? A From Texas here.
~~Q And your father lived in Texas? A Yes sir.~~
Q And he died in Texas? A Yes sir.
Q He never lived in this country? A If he did, I don't know. We lived in Georgia; that was where I was raised.
Q All of these witnesses that came up here to testify when your husband came to testify were relatives of your husband? A Yes sir.

Q Al Gott and his wife? A Yes sir.
Q And all the rest you have mentioned? A I guess they were; yes, all of them.
Q They come and testified that your husband was a Cherokee by Blood? A I reckon they did; I don't know they come for that purpose.
Q They didn't come to testify for you because they didn't know you? A What is the reason they didn't? They knowed me.
Q You didn't apply as a Cherokee by blood? A I didn't apply for nothing. I had a man attend to the business.
Q These were witnesses for your husband, weren't they? A Yes sir, I reckon they were.
Q These two children, Clark L. And Susan Collins, claim their Cherokee blood through their father, Jack Collins? A Yes, I guess so.
Q And that is the theory you enrolled them in '86, wasn't it? A Yes, and there was other children that was enrolled or ought to have been.
Q Other children by Jack Collins? A Yes sir.
Q And Henry Wood was going to extend you credit by virtue of the fact that you had children who were Cherokees? A Yes sir.
Q And that was the reason he extended you the credit? A Yes, of course.
Q Your husband never called you anything but Mary? A Yes, he always called me Mollie.
Q Did he ever call you anything but Mollie? A Nothing else but Mollie or Mary.
Q What is your middle name? A Mary Parks.
Q That is your right name? A Yes sir, my father and mother named me .
Q And you never have been known in this country by anything else except Mary Or Mollie Parks? A Yes sir, that is all the name.
Q That is all the name? A Yes sir, that is all I knew.
Q Your husband, Jackson Collins, never knew you by anything else? A He used to call me Polly some time.
Q When, since Ed Weath came here to swear for that? A He was dead before Ed ever came here.
Q Your first husband's name was Ira Jackson Collins? A Yes.
Q He is the man that claimed to be a Cherokee? A Yes sir, he claimed it and I guess he was.
Q Are you and Ed separated? A We aint very far apart.
Q Were you separated last week? A I wasn't at home.
Q Had you quit him? A No, I hadn't quit him; I was out to Clark Collins.
Q Visiting your son? A Yes.
Q There wasn't any talk of your separation, was there? A I told him I didn't know whether I would come back or not. I told him I didn't know when I would come back and may be never.
Q Had there been any estrangement between you? A No, none whatever, no trouble. He wasn't at home and I got tired of his being gone.
Q You say you and him had an agreement that you would live together as husband and wife? A Yes sir, and I agreed to treat him right and he agreed to treat me right, try to live true to each other; I tried to and I guess he has also.
Q You took his name? A Yes .
Q And you have gone by his name? A Yes .
Q And you two have lived together as husband and wife for twenty-four years? A Yes sir, I reckon.
Q Did you agree before witnesses? A Yes, everybody was a witness to that. They have seen us together.
Q You recognize him as your husband and he recognizes you as his wife? A Yes sir.
Q Live with that same relation now? A Yes sir .

Q In Tahlequah District, Cherokee Nation? A Yes sir.
Q Post office, Whitmire? A Yes sir.
Q How far is Whitmire from here, your home, and in what direction? A I guess it is eighteen miles or twenty north of here, on the Illinois River.
Q Live in the same house? A Yes.
Q With T. J. Welch? A Yes sir.
Q Did you ever have a child by the name of Clem Quinton? A No sir, I never .
Q Did you ever have a child named Katie? A No sir.
Q One they call Sallie or Sarah? A No sir.
Q One they Call Green or "G" Collins? A No sir.
Q You never brought any witnesses up here; your husband didn't establish your citizenship; he brought relatives of his to establish his blood? A I don't know whether they were for him or me; I understand it was for both.
Q You never got any money in '80? A No sir.
Q You never tried to get on the pay Roll? A No, I didn't know how.
Q You never got any money in '83, did you? A No sir.
Q You never tried to get on the pay roll? A No, I never tried, I didn't know how to get on.
Q You didn't get on the '86 pay roll? A I donst guess I was.
Q Didn't you try there? A No sir.
Q Why did you try for your children; wouldn't the sam e effo rt do for you? A I thought I was on the roll; I had my name put down with the children right here in this Capitol.
Q But you never drew any money? A No, and they never either.
Q You never got any money in '90 or '91, did you? A No, I never got any money from the Cherokees yet.
Q Never in your whole life? A No sir.
Q Now all these claims that you testify about were made in the names of your children, Clark and Susie and others? A Yes.
Q You have never been married to Welch? A Just as I told you.
Q You never have been married? A No, just like I told you; we just agreed to live together.
Q You told T. J. Welch about your being admitted a number of years ago, I presume? A I reckon I had.
Q He always Knew it, I reckon? A I think so.
Q You talked about it frequently, didn't you? A Why, of course, we have talked about it.
Q You talked about it in 1896 when you applied before the Commission? A I don't know whether I did or not; I guess I did.
Q You told him on a number of times, talked betw een the family that you had been admitted in 1875? A Of course, I had.
Q And of course, he knew it? A I reckon he did.
Q What do you think if he came on the stand and said that he didn't know anything about it until 1901 when Henry Dick found it out in Vinita? A I don't know.
Q You don't know, do you? A No, I never told him I was admitted as a Cherokee.
Q Then he did know it before two or three years ago when Henry Dick---? A I told you I never knew whether I was admitted as a Cherokee or how I was admitted.
Q You never knew positively that you were admitted at all? A No, I don't know, I never seen it.
Q You never did see it? A No, just what my husband told me.
Q He told you he was admitted? A He told me he had us all made Indians and I didn't ask him any particulars because I didn't know there would be any hereafter about it, and I never paid any attention to it: I wasn't caring about it.

Q You never thought enough about it to make your husband look it up in '80? A No.
Q Nor '83? A No sir.
Q And you weren't certain that you were admitted? A No, I wasn't, Why should I be? I hadn't seen it.
Q Did you tell him you had been admitted? A I told him like I told you, what I know.
Q And you told him that a long time ago? A I guess I had.
Q Do you know whether you have or not? A Yes, I know I have, I don't recollect when I told him or how many times I told him.
Q Then he knew about this before Henry Dick found it out when the Commission was at Vinita? A I don't know anything about Henry Dick. I don't know what he said or what he knows.
Q Your middle name is Parks? A Yes, Parx.
Q Are you certain of that? A Yes sir, I am certain, my father told me who I was named for.
Q You don't know Sallie McCoy, at Sallisaw? A No sir.
Q She is not your daughter? A No sir.
Q You don't know Kate Crenshaw at Bennett? A No sir.
Q She is not your daughter? A No sir.
Q Your husband, Jackson Collins died before '80? A He died in '78.

By Mr. Murdrison:
Q Will you state just what you mean when you say that you knew about your being admitted; had you ever seen any papers that you had been admitted? A In '75?
Q Yes. A No, I never seen the papers.
Q You don't know where those papers are if there are any papers showing your admission? A No, I don't know anything about it.
Q Then you simply know of the facts as told you by your husband? A That is all I know, just what he told me when he come home; I don't recollect talking to him about it but very little.
Q Was it your understanding when Mr. Collins came here in '75 with these witnesses that he was to apply for his family to be admitted or for himself only? A For his family.
Q Did you understand that the admission was of the family? A That is what he told me when he come back.
Q Now, do you claim your property separate from the property of T. J. Welch? A Yes.
Q You claim a separate interest in the property? A Yes.

By Commission-
Q When your husband told you that your family was admitted, did he tell you whether you were admitted as a Cherokee by blood or a white woman? A He never said; he had us all made Indians was all I can recollect. My recollection is not very good.
Q When was the first time you ever claimed to be a Cherokee by blood? A I don't know, I couldn't say. I have claimed it all along, ever since I met them people that told me they were kin to me and one of them told me he went to school with me when I was small.
Q You applied to the Commission in 1896, didn't you? A Yes sir.
Q Did you apply as a Cherokee by blood then? A I don't recollect.
Q You applied to the Commission in 1897, didn't you, the next year? A I guess so.
Q Did you apply as a Cherokee by blood then? A I think so, I don't know about it. There has been so much harrangueing about it, I forget.
Q As a matter of fact the Commission only heard applications from intermarried people in 1897; do you remember that? A No, I don't remember all of that; I can't recollect.

Q When you applied this last time, how did you apply, as a Cherokee by blood? A Yes sir.
Q You swore at that time that you were a Cherokee by blood? A When was it?
Q You testified down at Muskogee in October last year, didn't you? A Yes sir.
Q Did you swear then that you were a Cheroke e by blood? A I forget how I did swear now.

By Mr. Murchison:

Q Do you claim now to be a Cherokee by blood? A I don't know whether I am or not. I told you I wouldn't swear it, that I am a Cherokee by blood. You will have to prove it that I aint.
Q Mrs. Welch, have you any children by Mr. Welch? A Yes sir, I have two.
Q Give their names, please, and their ages? A Jesse James Welch; he is twenty. And Josie P. Welch named after me, Josie Parks Welch ; she is eighteen.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger

Subscribed and sworn to before me this 3rd day of December, L903.

Simon R. Walkingstick
Notary Public.

B.408

J. J. Welch & Et al

vs

Cherokee Nation

Motion to re-hear.

In re. application for enrollment of J. J. Welch & et al as citizens of the Cherokee Nation.

No. ... Received
JUN 25 1906

Bullock & Johnson
Muskogee, Ind. Ter.

T.J.Welch, et al.
vs
Cherokee, Nation.

Motion for Reahearing.

In the matter of the enrollment of T.J.Welch sr. and his children, Thos.J.Welch jr.,Jessie J.Welch, Josie P.Dean, Maggie Young, and her children Jeffie Johnson, Nellie Young, Tommie Young, Evert Young and the minor child of Josie P.Dean, Leo Dean.

Comes now T.J.Welch sr. and moves the Hon. Secretary of the Interior for a rehearing in the matter of the application for the enrollment of himself and his children aforesaid, as Cherokee Citizens by blood, for the reason that your petitioner now has evidence to offer which was not presented at the former hearings of these cases. Your petitioner states that said evidence was not presented at the former hearing of these cases for the reason that he was not aware of its existence at that time; and for the further reasons that your petitioner believes that the Hon. Commissioner to the Five Civilized Tribes has overlooked material evidence given at the former hearings and submitted in the form of Affidavits, said affidavits sworn to by the following named persons, Clark Collins, Susie Orchard,Mary P.Welch and one Tacket who was well acquainted with the ancestors of T.J.Welch sr.

Your petitioner states that his ancestors'names appear on all the Cherokee Rolls from 1785 to 1880. Your petitioner states that George Welch who signed the Supplementary articles to the Treaty of 1835, was a brother of your petitioners grand-fathte John Welch.

Your petitioner states that in 1884 he appeared before the Cherokee Council at Tahlaquah and asked to be enrolled, acording to Law, as a Cherokee Citizen, and he was informed by his Attorney,George Butler that he had been enrolled. Your petitioner believes but for the fraud which has been practiced upon him by parties unknown his name would now appear upon the Supplemental Roll of 1880. Your petitioner is informed and believes that his name was fraudulently changed upon said Supplemental Roll from T.J.Welch to some other name unknown and that parties fraudulently secured his rights as a citizen. Your petitioner has been informed that the fraud aforesaid was practiced upon him by one Tom Triplett deceased who died while serving a sentence in the United States Federal Prison at Leavenworth Kansas.

WHEREFORE, Your petitioner prays the Hon.Secretary of the Interior that the case be reopened in order that evidence may be introduced to

establish the citizenship of said T.J.Welch and et al. And your petitioner prays that he be allowed to examine the Rolls of the Cherokee Indians in order that he may establish the facts set out in this petition. Your petitioner prays that he be given the opportunity, at such time and place as the Hon.Secretary of the Interior may designate, to show that the facts herein contained are true.

Your petitioner will file affidavits in support of this petition as soon they can be had and asks that they be made a part of this petition.

Witness my hand and seal this _____ day of _____1906.

T J Welch, sr

WESTERN DISTRICT
INDIAN TERRITORY } SS.

T.J.Welch being first duly sworn on oath states, that he has read the foregoing motion for a rehearing and says that the same is not made for the purpose of delay and that the same is made in good faith and that the contents are true as he verily believes.

T J Welch, sr.

Subscribed and sworn to before me this 25th day of June 1906

E F Walrond
Notary Public.

My commission expires the 1st day of July 1906

Service acknowledged
June 25/06 -
W. W. Hastings
atty for Cherokee Nation

T. J. Welch Sr.
et al

vs.

Cherokee Nation

Affidavits in support of motion for rehearing

Ely & Shipp

OCT 3 1906

Butler & Johnson
Muskogee I. T.
attorneys for plaintiff

UNITED STATES OF AMERICA, WESTERN)
JUDICIAL DISTRICT, INDIAN TERRITORY) SS.

I, John H Greene a citizen of the Cherokee Nation, of lawful age being first duly sworn on oath state, that I was in the employ of Johnson Thompson in the capacity of salesman and collector and looking after the general business of the firm of E.C.Thompson in the year of 1880 and for several years thereafter; and I further state that this firm was doing business in the City of Tahlaquah, Indian Territory at this time; deponent further states that this firm gave Credit on any of the Cherokee Payments prior to the payment; deponent further states that this firm gave T.J.Welch and Mary P.Welch and their families credit on the 1880 Cherokee payment; deponent furthe states that before credit was given the above named people he went over to the Cherokee Capital where the Rolls were kept and examined the authenticated Roll of 1880 and found that their names and all their family on the said authenticated 1880 Roll; deponent further states that upon his return he recommended that credit be given to said T. J. Welch and Mary P. Welch and their families and that said recommendation was made upon the fact that their names appeared upon the said authenticated Roll of 1880.

Deponent further states that when the payment aforesaid was paid he appeared to collect for T.J.Welch sr.and Mary P.Welch and their families, but found that their names did not then appear upon the Roll, that the 1880 Roll that he had previously examined aforesaid before extending credit, had been mutilated and altered and that pages from 19 to 28 had been torn from said Roll, that the names of T.J.Welch sr. and Mary P.Welch and their family appeared upon these missing pages.

Deponent further states that upon further investigation and inquirey the names aforesaid were changed from Welch and Collins to Mose and divers other names and were placed upon the Supplementat Roll of 1880 with the exception of Willie Collins and Lizzie Collins, whose name was changed to Ida Collins, said Willie Collins and Lizzie Collins were the children of Mary P.Welch by her first husband J.Collins.

The deponent further states that one Tom Triplet drew all the money of these people representing to deponent that he was their guardian appointed by the Court; and that said Tom Triplet has continued to draw all payments to these parties from that time untill the payment of 1894 inclusive,

Deponent further states that said Tom Triplet was afterwards charged with a crime growing out of the aforesaid fraud and in conversation with your deponent said Tom Triplet stated that he had been a party to the fraud which had defeated the rights of T.J.Welch sr. and Mary P.Welch and their families, and that he had drawn their money from 1880 to 1894 inclusive, and that he filed them upon land under the ficticious names found on the Supplemental Roll of 1880 and that he intends to plead guilty to the Crime. Deponent further states that said Tom Triplet did afterwards plead guilty and was sentenced for a term in the United States prison at Ft. Leavenworth, Kansas.

Witness

John H Greene

Subscribed and sworn to before me this 18 day of aug 1906

D D Bowles

My commission expires Sept 20-1907 Notary Public.

WESTERN DISTRICT }
INDIAN TERRITORY } SS.

Henry Woods a citizen of the Cherokee Nation, being duly sworn on oath states, That he was doing business in the City of Tahlaquah as a merchant and general stock man and a butcher in the year of 1875.

Affiant further states that J.Collins appeared before the Cherokee Council in 1875 and that he saw him and talked with him and knows that the said J.Collins and his wife Pollie Collins was placed on the Roll of 1875. Affiant further states that the said Pollie Collins is now the wife of T.J.Welch sr.,known now as Mary P.Welch and that she is the same and identical person that was admitted as Pollie Collins and placed on the Cherokee Roll in 1875. The affiant further states that it was the evidence of one Wesley Walker that placed the said Pollie Collins upon the Cherokee Roll of 1875. Affiant further states that the said Wesley Walker was at one time Supreme Judge of the Cherokee Nation.

Affiant further states that the said Pollie Collins now Mary P.Welch the wife of T.J.Welch sr was in the year of 1875 as before stated placed on the Cherokee Roll as an Indian by blood.

Affiant further states that in the year 1880 the above named person Mary P.Welch formally Pollie Collins came to Tahlaquah to my store and wished to buy some goods on the 1880 payment that was to be paid in a short time. Affiant further states that before he let the said Mary P. Welch have the goods that he and the said Mary P.Welch went over to the Cherokee Council and examined the Rolls and found her and all of her children on the 1880 Roll of the Cherokee Nation as Citizens by blood.

Affiant further states that after he assured himself that they were on the 1880 Cherokee Roll as Citizens by blood, he let her have the goods on credit. Affiant further states that he talked with Chief Bushyhead, George Butler and Wesley Walker and they all stated to me that Mary P.Welch and her children were Indian by blood of the Cherokee Tribe.

Henry Wood

Subscribed and sworn to before me this 27 day of July 1906.

Luther S. Parsons
Notary Public.

My commission expires the 14 day of January 1908.

Northern
~~Eastern~~ DISTRICT
INDIAN TERRITORY. | SS.

AFFIDAVIT.

Mary P. Welch first being duly sworn on oath states that she is the wife of T.J.Welch Sr. and the former wife of J.Collins.

Affiant states that in 1875 her husband, J.Collins, appeared before the Cherokee Council and her name was placed up the Tribal rolls as an Indian by blood. That in 1880 I appeared before the Council of 1880 and had my children and Mr Welch's children placed upon the 1880, Tribal Rolls by the order of Chief Bushyhead and the Council. Was identified, me and my children and Mr Welch's children, by Chief Bushyhead who knew us personally knew us to be Indians by blood, and so stated to the Council in my presence.

Affiant states that in 1880 in order to secure credit at Henry Weeds' store, credit would not be given us until he went to see whether or not our names appeared upon the Tribal Rolls, that Henry Weeds went to the Cherokee Council ~~###~~ in company with affiant to see whether or not the names appeared upon the rolls. Affiant states that said Weeds satisfied himself that affiant and children mentioned above were on the said Tribal Rolls and returned to the store and delivered the goods to affiant. ~~###~~

Affiant further states that ~~######~~ for some cause unknown to Affiant, she nor her children did ~~###~~ receive the 1880 per capita payment. That affiant and her husband ~~##########~~ T.J.Welch Sr. employed Geo. O. Butler a brother-in-law of Chief Bushyhead as counsel to go before the Council of 1884 for the purpose of getting the per Capita payment. That said Geo. O. Butler only succeeded in getting two of the children's money, Susie and Clarkie Collins, but ~~#####~~ Lizzie Frankie Collins full brothers and sisters to Clarkie and Susie Collins who were all my children by J.Colins, did not get any of the money.

Affiant states that said Butler told her that all of their names including my ~~###~~ husband's ~~####~~ name and the names of the children ~~born to me and Mr Welch., had passed the Council and had been approved,~~ and they were duly recognized Indians by blood.

Mary P. Welch

Subscribed and sworn to befor
Witnesses.

Subscribed ~~and~~ sworn to before me this 21 day of July 1906

O. D. Bayless
Notary Public

Commission Expires SEP 20 1907

UNITED STATES OF AMERICA)
) SS.
WESTERN DISTRICT INDIAN TERRITORY.)

CAMPBELL TAYLOR, a citizen of the Cherokee Nation, of lawful age being first duly sworn on oath states that he was at the Cherokee Council in the year 1885 and saw J. Collins and talked with him and knows of, his own knowledge that he, J. Collins, and his wife Polly Collins were placed on the Tribal rolls of the Cherokee Nation by a special act of the legislature of 1875, as Indians by blood.

Affiant further states that he knew Polly Collins to be the wife of J. Collins that her maiden name was Polly Johnson and that she was a Cherokee indian by blood. Affiant states that after the death of J. Collins in the year 1878 said Polly Collins became the wife of T.J. Welch sr in the year 1879, and was thereafter known as Mary P. Welch. Affiant states that he of his own knowledge knows the said Mary P. Welch wife of T.J.WelchSr to be the same person admitted as Polly Collins wife of J. Collins, on the Tribal rolls of 1875, and states that he has been acquanted with her and her family from 1875 up to date.

Affiant states he was in the Cherokee Nation as attorney and for otherpurposes, that he was present and of his own knowledge knows that T.J. Welch and Mary P. Welch and their children were placed upon the Tribal rolls of 1880 as Indians by blood.

Affiant states that he was an attorney practicing before the Cherokee Council for Claimants for citizenship, that he knows of his own personal knowledge that the authenticated rolls of 1880 were fraudulently mutilated, that all the page of said rolls from 19 to28 were torn from said rolls and the names appearing thereon were fraudulently changed and fictitious names were substituted and placed in their stead on the supplemental roll of 1880, so that the parties to the fraud could draw the money of real citizens by orders purporting to be signed by the parties whose names appeared on the supplemental roll, but which were in fact orders that the parties to the fraud had drawn and signed so as to be able to carry out the fraud on the real citizens and deprive them of their money.

Affiant states that said T.J.Welch Sr and Mary P. Welch and their children's names were on the missing pages, and that there names were changed from the names Welch and Collins to Mose and divers other names. That for this reasonthe aforesaid persons were deprived of there rights as citizens.

Affiant states that the aforesaid fraudulent transaction was carried out by one Tom Triplet who drew the money through the fictitious names in the manner as aforesaid.

Affiant states that he is familiar with the Cherokee Rolls from 1785 down to 1835 and that he knows many of the ancestors of T.J.Welch sr. and that many of there names appear on the tribal rolls of the Cherokee Nation and that he knew John Welch to be the grandfather of T.J.Welch sr. and knew said John Welch to be the brother of George Welch whose name appears as a signer of the Supplementary Articles to the Treaty of 1835. Affiant says that both John Welch and George Welch were Cherokee Indians by blood that he knew them personally and was acquainted with them when they lived in the Old Nation prior to there removal to the Indian Territory.

Manuel R. Taylor Campbell Taylor

Subscribed and sworn to before me this _____ day of _____ 190_.

_____
Notary Public.

My commission expires the _____ day of _____ 19____.

United States
Northern District
Indian Territory

John E Welch a Citizen of the Cherokee Nation, of lawful age being duly sworn, deposes and says,

My name is John E Welch I am about 54 years of age, I am a Citizen of the Cherokee Nation by Blood, I reside in Bartlesville I.T. I was called before the National Council on or about the year 1874 or 5, or perhaps some time prior thereto, to testify on part of the Cherokee Nation, against Lewis & George Welch, who at that time were Applicants for rights of Citizenship in the Cherokee nation, I testified at said time, that I did not know either of said applicants. I having left North Carolina while a Boy, I returned to my home in Flint District C.N. and was telling D M & J H Morris, both of whom were Citizens of Saline District of said Welches applying for Citizenship before our National Council,

Said Morrises, Stated to me that they knew Said Rena by George Welch, and also knew their Father George Welch, whose name appeard upon the Supplement Roll of 1835, and Said Welchies, were Cherokee Indians by blood, and entitled to rights of citizenship in the Cherokee Nation.

Said Morrisis Stated that Said Welchies, were elated to me one, I have been acquainted ~~with~~ Ed Welch who Signes his name J. E. Welch, for Something near Twenty Years,

John E Welch

Sworn to and subscribed before me this 19th day of November A.D. 1903.

C. M. Roberts
Notary Public

Service of a copy of the above and foregoing accepted this October 3, 1906.

W W Hastings,
Atty for Cherokee Nations
by N. M. Tarver

W. E. Welch in error

vs

Cherokee Nation

M. M. 109.

Brief and affidavits of Plaintiffs

Battle & Johnson

Attys for Plaintiff

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.
RECEIVED
NOV 17 1908

DEPARTMENT OF THE INTERIOR, COMMISSIONER
OF THE FIVE CIVILIZED TRIBES.

T.J. Welch Sr. et al,
vs.
Cherokee Nation.

BRIEF OF PLAINTIFF.

Plaintiff denies that the Rolls of the Dawes Commission are conclusive as to the age of citizens and it is always a question of fact, how old a man is.

The wholesale charge of fraud in this case would seem to give rise to the question "if fraud is a part of the plaintiff's case, how can the Nation be injured by an investigation of the whole transaction?" On the other hand, the plaintiff has supported his contention that he has been defrauded by the affidavits of duly enrolled citizens who have no "sore spots", and have no interest in this controversy, in fact they would naturally favor the Nation; as to making them swear to statements untrue, the plaintiff is willing to summons said witness and allow the Nation an opportunity to thoroughly cross-examine them, and will if said case be re-opened, furnish additional evidence supporting the allegations of the original motion for re-hearing.

As to what the records of the Commission will disclose bearing upon this fraud, the plaintiff is willing to abide by whatever evidence may be found there bearing for or against this case and again call attention to the prayer to the original motion, in which a request is made that he be allowed to search the record to verify what he has alleged and if the records, upon examination, do not bear our his contention, the plaintiff is at a loss to know wherein the Nation will have been prejudiced thereby.

The plaintiff calls attention to the failure of the Nation to meet the issue in this case, namely, that he has been fraudulently deprived of his citizenship. The Nation has sought by records, alone accessable to it, to show that these parties could not have known of this fraud. When the question of who has committed this fraud is wholly immaterial. This must not be construed as a retreat from plaintiff's original position. Plaintiff reasserts that said fraud was committed as set forth in original motion and is supported by affidavits of reputable citizens of the Nation in which plaintiff is seeking citizenship. The plaintiff fails

to see how the fact that he happened to be trading at more than one store at the time of 1880 payment, can be construed as so inconsistent as to wholly discredit the affidavit of henry Wood.

The Nation, through its able representative, has repeatedly referred to the plaintiff as an ex-convict. Plaintiff does not deny having served a sentence for a crime. Before leaving the question it may not be out of place to say that it was while serving sentence that the plaintiff came into the possession of the facts that were the basis of his motion for re-hearing. That he learned of the fraudulent transaction from the lips of Tom Triplet himself, that it was upon the facts as related by Tom Triplet, that plaintiff has pursued his investigation with the result as shown by the affidavits filed in support of this motion for a re-hearing. Plaintiff fails to see how this unfortunate association with Tom Triplet at Leavenworth, and the fact that John H. Greece has chosen to assist him, andthe fact that Campbell Taylor has been charged with having committed a crime, can be argued against his character when others are voluntarily testifying that they have had a most intimate relationship with them from childhood, even as "Bare foot boys".

The confessed intimate knowledge of the representative of the Cherokee Nation, while modistly declining to testify, would seem to makeh him a valuable witness on behalf of the Nation, and the plaintiff would cheerfully allow him to testify if he could be induced to tell all he knows relative to this transaction. Plaintiff is led to believe from the volunteer information given in the Nation's Brief that his evidence would not be objected to on thegrounds of hearsay testimony.

As to whether Mary P. Welch is Polly Collins admitted in 1875 as a citizen by blood is not material as far as the principal applicant is concerned, but it is material to his children, whoes mother is Mary P. Welch, formerly Polly Collins. There is filed herewith affidavits is support of this contention.

It is argued by the Nation that the applicant has been denied under the Act of Congress, approved June 10th, 1896, that the applicant's name does not appear on any of the Rolls. The plaintiff has never contended that his name appears on what now purports to be the Roll of 1880, or the Supplemental Roll. But has alleged fraud as a reason why his name does not appear thereon. His contention that fraud has been committed has never been controverted by the Nation, and

the plaintiff assumes that as a matter of law as well as reason that his allegation of fraud is true and no longer a matter of controversy. The Nation has never denied that the Rolls were tampered with, has never denied that plaintiff is one of the many victims of this gigantic steal. The plaintiff has alleged two things particularly, first, a physical fact that of the mutilation of the Rolls. If it is true, and the Nation has not denied it, then this plaintiff has made out a case sufficient to entitle him to a re-hearing. Second, He has sought to establish by affidavits the right of Mary P.Welch, the mother of the children of the principal applicant, and that Mary P.Welch is the same woman who was admitted as Pollie Collins as a Cherokee by blood in 1875. The journal of the Nation will show the act of admission, the testimony,parties etc., and the plaintiff is conviced that no search was ever made to verify her contention, and plaintiff now states that both he and his Attorneys have been denied the privilege of making a search to verify their contention. The act of 1896, refered to above, contains the following section, while it might have only applied at that time, would seem not to have lost any of its value as advice to those entrusted with the extremly delicate duty of determining the rights of citizens of the different Nations. It is as follows: "That in determining all such applications, said Commission shall respect all laws of the several Nations or Tribes, not inconsistent with the laws of the United States, and all Treaties with either of said Nations or Tribes, and shall give due force and effect to the Rolls, usages and customs of each of said Nations or Tribes".

The Nation in its answer gives four reasons why the prayer for a rehearing should be denied. First, Because under the act of Congress May 31st, 1900, the Commission is without authority to enroll any one who has not been recognized and duly and lawfully enrolled or admitted as a citizen, that sends us back to the act of Congress, approved June 10th,1896, which involves the second reason given by the Nation. The plaintiff contends that their rejection is not final, and fraud having deprived him of his rights, he cannot be defeated by technicalities, but insists that he is entitled to a rehearing under the Act approved April 26th, 1906, and the Honorable Secretary of the Interior would be warranted in ordering a rehearing in order that the plaintiff may be heard.

The third reason, absence of affidavits, has been abundantly answered as shown by the record.

The fourth reason assigned, "That there is no merit in applicant's case", is a mere statement and the Nation is not in a position to pass on this question, nor is it within the province of the Nations' representative to pass upon the merits of the controversy between the Nation and a claimant for citizenship, and it remains a mere effort to sweepingly usurp the province of judge, while having barely capacity to hold down a job as advocate.

The prayer of the applicant should be granted, first, except for fraud he would have been entitled to enrollment under the Act of 1896, and could have been enrolled under the Act of 1900, and upon this fraud the issue is made.

Second, The issue has not been met or controverted, and upon this fact alone, a rehearing should be granted.

Briefly stated the reason why plaintiff and his family were not admitted in 1880, was fraud; and the reason why they were not admitted in 1896 was the fraud in the first instance; and the reason they were not admitted in 1900, or why they were denied under the Act of 1900, was the same fraud.

Fraud, when proven, avoids all transactions. This fraud has been discovered since the former hearing, and since the decision of the Commissioner to the Five Civilized Tribes and could not have been introduced at the former hearing by any dilligence on the part of the plaintiff in this case.

Plaintiff insist that, since there is no controversy as to the facts of this alleged fraud he and his children and Mary P.Welch should be enrolled as citizens by blood of the Cherokee Nation and the Secretary of the Interior would be justified in doing so.

Respectfully submitted.

T. J. Welch sr

Service of a copy of the above and foregoing accepted on this November 17, 1906.

W.W. Hastings
Atty for the Cherokee Nation
N.M.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONOR TO THE FIVE CIVILIZED TRIBES.

T.J. Welch Sr. et al,	)	
vs,	)	
Cherokee Nation.	)	AFFIDAVIT.

T.J. Welch Sr. on oath states, that the contention on the part of the Cherokee Nation , that he is fraudulently seeking citizenship is without foundation in fact.

In denial of the answer of the Cherokee Nation, the affiant states that he is making this motion for rehearing in absolute good faith; That he is entitled to citizenship as a Cherokee Citizen by blood.

Affiant states that while confined in the Federal Penetentiary at Leaveworth, Kansas, he learned from Tom Triplet the facts which are the basis of his motion for rehearsing.

Affiant states that the affidavits were made by the parties signing them and the contents were based upon their relation of what they knew and were signed by affiants in the full knowledge of their contents.

T J Welch sr

Subscribed and sworn to before me this 13th day of Oct 1906.

J E Young
Notary Public.

My commission expires the 29th day of Apr. 1909

AFFIDAVIT.

United States of America, "
"
Northern District. "
"
Indian Territory. "

J. Henry Dick, after being duly sworn according to law, states; That he is acquainted with T. J. Welch Sr. and his wife Mary P. Welch, and have known them for a number of years. And thathis information is that before her marriage to the said Welch Mrs. Welch was a Collins, having been admitted to citizenship in the Cherokee Nation, as a cherokee by blood , with the rest of her family, by an Act of the Cherokee National Council, in the year of 1875. And that as far as he knows that the Records of the Cherokee Nation shows the names of all the Collins Family admitted by sais act of 1875.

J. Henry Dick

Subscribed and sworn to before me, this 16th, day of October, 1906.

R. W. Snyder
Notary Public.

My Commission Expires Sept. 20-1907

UNITED STATES
WESTERN DISTRICT
INDIAN TERRITORY } SS.

AFFIDAVIT.

Mrs Sam Houston Beng a citizen of the Cherokee Nation wife of Sam Houston Beng, deceased, on oath states that she was present at an interview between T.J.Welch Sr. and my husband Sam Houston Beng, shortly before his death in which he, my husband, made the following statement, "I was in the Cherokee Senate in 1895 when J. Collins appeared before the Council and he and his wife, Polly Collins was admitted as citizens, that he, Beng remembered Polly Collins' maiden name was Polly Johnson. That she was admitted by the evidence of Wesley Walker who was Supreme Judge of the Cherokee Nation, and that the Council was satisfied that said Polly Collins was an Indian by blood from the evidence of Wesley Walker who knew her personally."

Witnesses

Mrs Sam Houston Beng

Subscribed and sworn to before me this 23 day of July 1906.

Hugh Connor

Notary Public.

My commission expires

My Commission Expires Feb. 9th, 1909.

Service of copy of above and foregoing accepted this November 17, 1906.
W.W. Hastings
Atty for the Cherokee Nation
N.M.D.

C. F. B. Cherokee 1046.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 22, 1907.

In the matter of the application for the enrollment of Mary P. Welch as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Applicant represented by R. B. Butts, in behalf of Butts & Johnson.
Cherokee Nation represented by W. W. Hastings, Attorney.

MR. BUTTS.

We first wish the record to show that we waive no rights that we claim by blood.

Mary P. Welch being first duly sworn by John E. Tidwell, Notary Public testified as follows:

BY MR. BUTTS.

Q What is your name? A Mary P. Welch.
Q Where do you reside? A In the Cherokee Nation.
Q What part of the Nation?
A About 20 miles above Tahlequah, near Whitmire.
Q What was your name before you was ever married?
A Mary P. Johnson.
Q What was your first husband's name?
A Ira Jackson Collins.
Q Was he a Cherokee? A Yes sir.
Q Was he ever admitted by the Cherokee Council?
A Yes sir; he was admitted in '75.
Q What year was you married to Ira J. Collins?
A In 1865.
Q Is Ira J. Collins dead? A Yes sir.
Q When did he die? A In '78.
Q Was you living with him up until his death?
A Yes sir.
Q Was you living with him as husband and wife?
A Yes sir.
Q Where was you married at?
A I was married in Georgia; Milton County.
Q Have you ever been married since the death of Ira J. Collins?
A No sir.

BY MR. HASTINGS.

Q Have you any documentary evidence of your marriage to your first husband, Ira J. Collins?
A No sir; I haven't.
Q Were you married by a preacher?
A No sir; by the Judge of the Court.
Q In what county? A Milton County/
Q What is the name of the County seat?
A Alphretta.
Q What is your full name?
A Mary Parks Welch is the name I go by now.
Q When did your first husband, Ira J. Collins, die?
A '78.
Q Where did he die?
A Over here on Grand River close to Gibson; we lived on Grand River about 6 miles above Gibson.
Q Have you ever filed any evidence of the admission of your husband, Ira Jackson Collins, to citizenship in the Cherokee Nation?
A I think it was filed in the Council and here.
Q I say have you ever filed it here with the Commission or Commissioner to the Five Civilized Tribes?
A No sir; I didn't myself; I thought I had it done though by Mr. Welch here.
Q Now, did you ever have any children by Ira Jackson Collins?
A Yes sir.
Q What were their names?
A Clark C. was the oldest one; Susie C. was the next one; and Franklin Collins, Lizzie Collins and Henry Collins and Willie Collins. They are all dead but Clark.
Q Did you ever have a child by the name of Eliza Collins?
A No sir.
Q Did you ever have one by the name of Kate Collins?
A No sir.
Q Did you ever have one whose name commenced with G; George or any other name commencing with G?
A No sir.
Q Did you ever have one by the name of Sarah?
A No sir.
Q Your husband was never known as James Collins?
A Not that I knowed of; Jack Collins.
Q You say you have never married since the death of Jack Collins in '78?
A No sir.
Q Are you at present living with Thomas J. Welch as his wife?
A Yes sir.
Q How long have you and he been living together as husband and wife?
A I guess about 20 years.

Q Was there ever any marriage ceremony between you and Thomas J. Welch?
A No sir.
Q Have you been living together as husband and wife and holding yourselves out to the community as husband and wife?
A Yes sir; and have been for 20 years.
Q You come here now to make application as a citizen by intermarriage?
A That's the way I was enrolled and they allowed me to file.
Q You were enrolled by virtue of your admission by the District Court, is that it?
A By the Commission,- Dawes Commission.
Q You were enrolled afterwards upon appeal by the Court as a citizen by intermarriage?
A No sir.
Q What time did you and your husband, Ira J. Collins, remove to the Cherokee Nation?
A We moved here in '75.
Q What time in the year of '75 did you come?
A Last of October or first of November; I don't recollect exactly which. I think it was in October. I know it was a month or two before Christmas.

MR. BUTTS.

I object to going over all that. That has been decided in '96 by the Commission. The decision of the Commission shows that they came here at the proper time.

ON BEHALF OF COMMISSIONER.

The objection will be noted.

BY MR. HASTINGS.

Q Are you the same Mary P. Welch who made application to the Commission to the Five Civilized Tribes to be enrolled on the 3rd day of September, 1896?
A I guess so; I don't recollect.
Q I will ask you to examine this signature, which appears to be the signature of Mary P. Welch, in application for Cherokee citizenship under the Act of June 10, 1896, and this was signed on the 3rd day of September, 1896 before S. S. Boyles, Notary Public, Northern District, Indian Territory. Now, here I show you your name, Mary P. Welch, and I will ask you now if that is your signature?
A I don't know whether it is or not; I guess it is; I don't believe I could write that good; I think somebody else wrote it. I guess that's mine.

Q Attached to that application for Cherokee citizenship is an affidavit purporting to have been signed by Mary P. Welch, which is also subscribed and sworn to before S. S. Boyles, Notary Public, on the 21st day of August, A. D., 1896, and this affidavit together with this application is on file here with the papers in this case. I will ask you to examine that signature and say whether or not that was your signature?
A I don't know whether it is or not; it don't look much like my handwriting; I don't recollect signing it.
Q Do you recognize that as your signature?
A No, I don't believe I do.
Q Also attached to that is an affidavit of Susan A. Orchard. Did you know a party by that name?
A That's my daughter.
Q Do you recognize that signature?
A That looks like her handwriting.
Q Also an affidavit purporting to have been signed by Clark Collins the 2nd day of September, 1896. Have you a son by that name?
A Yes sir.
Q Do you recognize that as his signature?
A It looks like his signature; I can't swear to it.
Q Now, returning back to the one that purports to be signed by you, I would like to have as definite statement from you as possible, after you examine it closely, whether or not you made that affidavit and whether or not that is your signature, referring to the affidavit inquired of a moment ago in the testimony.
A I can't read it enough to understand what it is.
Q Is that your signature?
A I don't know whether it is or not.
Q Do you remember whether you made one in support of your application before S. S. Boyles, Notary Public, in 1896?
A I don't know whether I did or not.
Q That gives your name as Mary P. Welch and states that in '96, 10 years ago, you were then 53 years of age and that you were married in Milton County, Georgia, in 1865, and that you moved to this country in 1875.

BY MR. BUTTS.

Q Are those statements true, Mrs. Welch?
A I guess they are; if that's my handwriting, I guess it is.

BY MR. HASTINGS.

Q Does that signature appear to be yours?
A It looks kind of like my handwriting. I couldn't swear it was mine.
Q You wouldn't deny that that's your signature?
A No, I wouldn't deny it; it may be my signature; I don't know. I won't swear it's mine or aint mine.

BY MR. BUTTS.

Q Do you swear, Mrs. Welch, that the statements in that affidavit he read over to you are true?
A Yes sir.

BY MR. HASTINGS.

Q If you signed it, it's true, is it?
A Yes sir.
Q I would like for you to write your name, Mary P. Welch, on this paper. (Applicant writes her name) This is your signature, is it?
A Yes sir.

MR. HASTINGS.

I desire to introduce this paper for the purpose of showing her signature.

ON BEHALF OF COMMISSIONER.

The sheet of paper upon which appears the signature of the applicant, Mary P. Welch, just written by her, will be filed with the records in this case, the same being marked Exhibit "A".

MR. HASTINGS.

Is it agreed by counsel representing applicant, that this signature to the affidavit which I hold in my hand, is identical with and the same as the signature of the applicant?

MR. BUTTS.

Yes, I will admit that's her signature.

BY MR. HASTINGS.

Now, this affidavit states as follows:

G. F. B.

Cherokee 1046.

"Cherokee Nation)
)
Tahlequah District)

Personally came before me this day S. S. Boyles a Notary Public and authorised to administer oaths Mary P. Welch who by me being duly sworn States.

My name is Mary P. Welch I am 53 years of age, I am a Cherokee Indian by Blood, I was married to Ira J. Collins in Milton County Ga in 1865, I moved to the Cherokee Nation together with my Husband and children five in number. in 1875. I have enjoyed all the rights of Cherokee Citizenship since our arrival here except the drawing of the last payment of the Strip Money. All my children received there perata of said payment except myself and one Son, Franklin W. Collins. Said Ira J. Collins was the Father of Six of my Children, whoes names are as follows, Clark L. Susan A. Henry P. Franklin W. Lizzie and William J. Two of my Said Children went to Cherokee High Schools, for the term of three years, and was going, when I was discrimnated against, and was claimed by the Cherokee authorities as being a white Woman, Therefore depriving me of my distrubution Share of the Cherokee Strip Money. Said Ira J Collins Died in 1878, and in 1880 I was married to Thomas J. Welch, George Welch who lived on the Illinois River was a Relitive of my Said Husband. Claiming that my said Husband was a Cherokee Indian by blood Deriving Said Cherokee blood through the Same as did the ballances of the Welches.did-.

Mary P Welch

Subscribed and sworn to before me at Tahlequah this 21st day of august A.D.1896

S.S.Boyles notary Public
Northern District I.T.
Commission expires July 19th.
1899."

Now, I have read you this entire affidavit; did you make that affidavit?

A I don't know; I don't recollect.

Q Are the statements made in this affidavit true?

A All except being married; we never was married according to no law.

Q You did state, however, in your affidavit, "and in 1880, I was married to Thomas J. Welch"; did you not?

A I have never been lawfully married.

Q Did you state that in this affidavit?

A I don't recollect stating it.

Q Following that you say, "George Welch who lived on the Illinois ~~District~~ River was a relative of my said husband, claiming that my said husband was a Cherokee Indian by blood, deriving said Cherokee blood through the same as did the balances of the Welches". In that extract from the affidavit you filed in support of your application to be admitted as a citizen of the Cherokee Nation, you mention in two places there, your "said husband", referring to Thomas J. Welch, don't you?

A It says so.

Q You acknowledged him in 1896 as your husband, in a sworn affidavit, didn't you?
A I don't think I done it. We were not lawfully married. I was living with him in '96 but we never was lawfully married because white people couldn't marry in the Cherokee Nation at that time and we just agreed to live together.
Q Did you go before a preacher?
A We couldn't get no license. The white people had to go to the states to marry. We have lived true to one another just the same as if we had been married half a dozen times and I am just as good over it as if I had been married by a big preacher and had a big wedding.
Q You don't know then whether there has been any record introduced in your case here, showing the exact time that you came to the Cherokee Nation from Georgia?
A We came from Texas up here; we went from Georgia to Texas and from Texas here; -- no sir, I don't know.
Q And you have never introduced any certificate of the admission of Ira J. Collins?
A I thought there was a certificate here.
Q You don't know of your own personal knowledge?
A No, I don't know nothing much about law.

BY MR. BUTTS.

Q Mrs. Welch, you have been living with Mr. Welch ever since about 1880?
A Yes sir.
Q You was living with him in '96?
A Yes sir.

I want the affidavits of Henry Woods and Cam Taylor to be made part of this record in as much as they support the statement of Mary P. Welch that she is the identical person who was married to Ira J. Collins in 1865.

MR. HASTINGS.

The representative of the Cherokee Nation objects to affidavits offered because same were not received in contesting citizenship cases.

ON BEHALF OF COMMISSIONER.

The request to file affidavits referred to will be denied.

MR. BUTTS.

The above ruling on behalf of Commissioner excepted to.

BY MR. HASTINGS.

Without admitting, first, that the applicant was ever married to Ira J. Collins, or second, that Ira J. Collins was ever admitted to citizenship in the Cherokee Nation, the Cherokee Nation offers in evidence and asks to be copied into the record, Section 666 of the compiled laws of the Cherokee Nation, found in the compilation of 1892.

C. F. B. Cherokee 1046.

MR. BUTTS.

The evidence offered by the Cherokee Nation is objected to by attorney for applicant.

ON BEHALF OF COMMISSIONER.

The request of the attorney for the Cherokee Nation will be granted. The objection of the Attorney for applicant will be noted.

"Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

By agreement the case is continued until the 31st day of January, 1907.

The undersigned being first duly sworn states that as stenographer to the Commissioner, to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscriged and sworn to before me this the 28th day of January, 1907.

B. P. Rasmus

Notary Public.

C.F.B. Cherokee D-1046.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 31, 1907.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Mary P. Welch as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:
For the Cherokee Nation, W. W. Hastings.
For the Applicant Messrs. Butts & Johnson, Muskogee, I. T.

Charles Harris, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Charles Harris.
Q What is your age? A Sixty-five.
Q And your postoffice address? A Muskogee.

Examination by Mr. Butts.
Q Mr. Harris, are you acquainted with a woman by the name of Mary P. Welch? A Yes sir.
Q How long have you known this lady? A Since--we were raised in the same county in Georgia. I have known her for forty or fifty years I suppose.
Q What was her maiden name? A Johnson.
Q You say you were acquainted with her when she lived in Georgia? A Yes sir.
Q About how old was she when you first became acquainted with her? A Well, I cannot recall what age she was, but I knew the family as long as I have known anyone.
Q Do you know a man by the name of Ira J. Collins? A Yes sir.
Q When did you first become acquainted with him? A He was raised in Georgia; we have known each other since boyhood.
Q Was this woman, Mary P. Welch, ever the wife of Ira J. Collins? A Yes, they were known as such.
Q Were they married in Georgia? A Yes, that was the understanding; I never saw them; they was known as man and wife.
Q They lived together as man and wife in Georgia? A Yes sir.
Q Were you in Georgia at the time they left Georgia? A As well as I remember I left there first.
Q They were in Georgia at the time you left Georgia? A Yes sir.
Q Where did you go from Georgia. A I went from Georgia to the West Indias and Central America.
Q And from there where? A Here.
Q How long have you been living in this country? A Since 1868.
Q About what time was it that Mary P. Welch and this man, Ira J. Collins were living together in Georgia? A At the time they were said to be married?
Q Yes. A About 1864-5, somewhere along there.
Q And how long was it then until you left Georgia after 1865?
A I left there in 1868.
Q They were living together as man and wife during this time?
A Yes sir.
Q Did you ever see these people after you came to the Territory?
A Yes sir.

Q Were they living together as man and wife then? A Yes sir.
Q Where were they living?A.They were living in Cooweescoowee District.
Q Was Ira J. Collins a Cherokee Indian by blood?

By Mr. Hastings: We object to the question for the reason that a response would be hearsay, and if Ira J. Collins was ever admitted to citizenship in the Cherokee nation then the record of that admission is the best evidence and a response to this question is irrelevent and immaterial, because it makes no difference whether Ira J. Collins was a Cherokee or not if he was not admitted to citizenship in the Cherokee nation. In other words, he must have been an admitted and recognized citizen of the Cherokee nation, and the records of the Cherokee council and of the commissions on citizenship would be the best evidence as to his admission.

By the Commissioner: The objection will be noted.
A Yes sir.

By Mr. Butts: I ask the Commission to make the records a part of his evidence.

By the Commissioner: Shall we examine the records right now?

By Mr. Hastings: I think we had better. (Record of persons admitted to citizenship produced.)

By Mr. Hastings:
Q What time did Ira J. Collins and his alleged wife, now Mary P. Welch, come to the Cherokee nation, if you know?
A About 1872-3 I think; probably along in the early 70's.
Q Did Mary P. Welch have any children by Ira J. Collins?
A Yes sir.
Q What are their names? A I don't know, now; don't remember.
Q One was named Clark? A? Yes, one was named Clark.
Q What was the others name? A I did know it but I can't recall it now. That was the oldest I believe.
Q The other one is dead? A Yes--the other one was named Susie.

By Mr. Hastings: Comes now the Cherokee nation and asks the Commissioner to the Five Civilized Tribes to insert in this record that search of the original records now in the possession of this Commissioner has been made, and to state whether or not those records show that Ira J. Collins was ever admitted to citizenship in the Cherokee nation.

By Mr. Butts: We object because these are not the original records, by the admission of the counsel, Mr. Hastings, himself.

By the Commissioner: The objection of the attorney for the applicant will be noted, and the request of the attorney for the Cherokee nation will be granted.

By Mr. Butts: We request also that the original records be produced so that they can be searched and examined in this case.

By the Commissioner: An examination of the record of persons admitted in the Cherokee nation by the Cherokee National Council and by the Supreme Court of the Cherokee Nation since 1866, in the possession of the Commissioner to the Five Civilized Tribes, fails to show that Ira J. Collins was duly admitted to citizenship in the Cherokee Nation by said authorities.

By Mr. Butts: Have you the record here of the Spears Commission?
By Mr. Hastings: Yes (Record produced)

Examination by Mr. Butts:
Q Mr. Harris, about what was the last time you saw Ira J. Collins?
Objected to by Mr. Hastings as immaterial and irrevelent.
Objection noted.
A I can't recall when it was but somewhere in the early part of the 70's
Q Do you know whether or not Ira J. Collins is living at the present time or not? A I don't know, but it was generally reported that he was dead, that he was killed; I never saw him dead.
Q Have you seen the wife of Ira J. Collins in late years?
A Yes, since he was said to be killed.
Q What is that woman's name now? A Mistress Welch.
Q Mary P. Welch? A That is my understanding.
Q When did you see her last? A I have not seen Mrs. Welch for several years. They was living east of town the last I saw her.
Q But the woman you saw living east of town was the same identical person that was the wife of Ira J. Collins?
A Yes, the same person.
Q Are you a Cherokee citize n? A Yes sir.
Q Did any of your family ever hold office in the Cherokee Nation.
By Mr. Hastings: Objected to as entirely irrelevent and immaterial. The Cherokee nation is not attacking the integrity of this witness and there is no necessity of bolstering it up in proving that his brother was once Chief of the Cherokee nation.
Objection noted.
A Yes, I have some relatives that had positions.
Q What positions did some of your relatives hold?
By Mr. Hastings: Same objection.
Question waived by counsel for applicant.

By Mr. Johnson of counsel: I ask leave to introduce the marriage license in evidence.
By Mr. Hastings: There is no objection on the part of the Cherokee nation to its admission.

By Mr. Butts: We ask that ten days be granted the applicant in which to make a search of the records at Tahlequah for the admission of Ira J. Collins.

Mr. Hastings: We have no objection provided that in the event anything is presented the attention of the representatives of the Cherokee Nation shall be called to it when same is filed.

By the Commissioner: The request of the attorney for the applicant will be granted, and the request of the attorney for the Cherokee Nation that in the event any evidence is filed he will be notified of it at the time of filing is also granted.

Frances R. Lane, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane.

Subscribed and sworn to before me this January 31, 1907.

Edward Merrick
Notary Public.

C.F.B. Cherokee D 1046

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the appliation for the enrollment of Mary P. Welch as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, January 17,1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Mary P. Welch as a citizen by intermarriage of the Cherokee Nation; that on _____ date the Commission to the Five Civilized Tribes rendered its decision herein granting the application for the enrollment of said Mary P. Welch as a citizen by intermarriage of the Cherokee Nation, which decision was, on February 18,1902, (I.T.D. 1036- 02), duly approved by the Department. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 14, and October 21,1902, and at Tahlequah, Indian Territory November 24, December 1 and 2, 1903. Thereafter, on December 7,1903, (I.T.D. 1036-02, 8094-03) motions for review and rehearing having been filed with the Department, the Department rescinded its former action in the matter and remanded said case to the Commission to the Five Civilized Tribes for rehearing and readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 22 and 31, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein Mary P. Welch, claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of her marriage to one Ira J. Collins, since deceased, an alleged Cherokee by blood; that the said Mary P. Welch, formerly Collins, was married to the said Ira J. Collins in the state of Georgia, in the year 1865, and it is alleged on behalf of the applicant, that she removed with her said husband to the Cherokee Nation, and that he was duly admitted to citizenship therein, prior to November 1,1875. It is further shown that said applicant continuously resided with the said Ira J. Collins until the time of his death; that subsequent to his death said applicant, without any formal marriage, assumed marital relations with her present husband, one Thomas J. Welch, a non citizen of the Cherokee Nation, and that for the last twenty or twenty-five years they have continuously lived together as husband and wife; that in the year 1896 the said Mary P. Welch made application for admission to citizenship in the Cherokee Nation as a citizen by intermarriage of said Nation, to the Commission to the Five Civilized Tribes acting under authority of

the Act of Congress approved June 10, 1896, and that said application was granted by said Commission.

A careful examination of the records of this office fails to show that the said Ira J. Collins was ever admitted to citizenship in the Cherokee Nation by any duly constituted court or commission having jurisdiction to grant citizenship, or that he was ever recognized in any manner as a citizen of the Cherokee Nation, and granting that the said Ira J. Collins did become a citizen of the Cherokee Nation prior to November 1, 1875, and that the said Mary P. Welch, formerly Collins, did acquire the right to citizenship by intermarriage in the Cherokee Nation prior to November 1, 1875, it is considered that she forfeited, under the provisions of Section 666 of the compiled laws of the Cherokee Nation, by reason of her continuous cohabitation with said Thomas J. Welch, which is considered to have established a common law marriage, any right that she may have acquired to citizenship in the Cherokee Nation by reason of her marriage to the said Ira J. Collins.

Section 666 of the compiled laws of the Cherokee Nation provides:

> "Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is further shown that the applicant herein, Mary P. Welch, claims that she is a Cherokee by blood, and is identical with one Polly Collins, who was by an act of the Cherokee National Council, admitted to citizenship in the Cherokee Nation November 29, 1875, but it is considered that said applicant has wholly failed to establish her contention, and that the testimony introduced in this case conclusively shows that Mary P. Welch is not identical with Polly Collins mentioned in said act of admission.

A careful examination of the records of this office fails to show that the said Mary P. Welch has ever been recognized in any manner as a citizen by blood of the Cherokee Nation, and it is considered, in view of the foregoing, that she possess no right

to enrollment as a citizen of the Cherokee Nation other than such right as she may possess by reason of her marriage to said Ira J. Collins.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision of the Commission to the Five Civilized Tribes dated _____, granting the application for the enrollment of Mary P. Welch as a citizen by intermarriage of the Cherokee Nation, be rescinded, set aside and held for naught, and that in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Mary P. Welch, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

_____
Commissioner

Dated at Muskogee, Indian Territory,
this FEB 28 1907.

Application for Cherokee Citizenship

To the Honorable, the DAWES COMMISSION, Vinita, Indian Territory:

The undersigned Mary P. Welch your petitioner, makes this her application for admission to citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, in accordance with all the Treaties, the Constitution and laws of the Cherokee Nation, and precedents established and of record, and respectfully submits the following statement of facts for the grounds of her claim, to wit:

That she is the daughter of one Barney Dutman and the Phebe Jemison nee Yangly of one and the of one who, your petitioner firmly believes, was a Cherokee Indian by blood and duly acknowledged member of the Cherokee tribe of Indians, and from whom she derived her Cherokee Indian blood, entitling her to citizenship in the Cherokee Nation, Indian Territory.

That the [redacted] the name of said ancestor should be found to appear on the Census Rolls, taken and made of Cherokees east of the Mississippi river, in the years, 1835, 1848, 1851, and 1852.

And your petitioner respectfully awaits the time this her application for admission, together with the proof in support thereof, shall be truly heard and passed upon.

That the age of your petitioner is 53 years; that her postoffice address is Tahlequah I.T. and that her family, by virtue of Cherokee Indian blood, consists of the following named to-wit:

No.	Names	Sex	Age	Relationship	Remarks.
1	Jesse J. Welch	Male	11	Son	
2	Josie P. "	Femal	9	Daughter	

In Witness Whereof. I have hereunto set my hand at Tahlequah I.T. this, the 3rd day of September, A. D., 1896.

Attest:

Mary P. Welch

Subscribed and sworn to before me at Tahlequah I.T. this, the 3rd day of September A. D., 1896

[SEAL]

J. J. Boyles Notary Public
Northern District I.T.
Commission Expires July 19th. 1899.

Northern District
Tahlequah District

Personally come before me this day D. B. Boggs a Notary Public and authorized to administer oaths Mary P. Welch who by me being duly Sworn states.

My name is Mary P. Welch I am 53 years of age, I am a Cherokee Indian by Blood. I was married to Ira J. Collins in Mellon County Ga in 1855. We moved to the Cherokee Nation together with my husband and children since in number. in 1875, we were recognized as the rights of Cherokee Citizens. Since our arrival here except the drawing of the last payment of the Strip money, all my Children received their pro rata of said payment except my self and one son, Franklin N. Collins, said Ira J. Collins was the father of my Children. Whose names are as follows, Clark K., Susan A., Henry P., Franklin N., Effie and William J. Two of my said Children went to the Cherokee High School for the term of three years, and was going when it was discovered against and was claimed by the Cherokee authorities as being a White Man, Therefore depriving me of my distributive share of the Cherokee Strip Money, said Ira J. Collins Died in 1878, and in 1880 I was married to Thomas J. Welch. George Welch who lived on the Illinois River was a Relative of my said Husband. Claiming that my said

Husband was a Cherokee Indian by blood
Deriving said Cherokee blood through
the same as did the halluncs of
the Nelches ~~[illegible]~~.

Mary J. Nelch

Subscribed and sworn to before me
at Pahlegnah this 21st day of August
A.D. 1896

S. S. Bayles Notary Public
Northern District I.T.
Commission Expires July 19th. 189[illegible]

W. W. HASTINGS,
ATTORNEY

OFFICE OF

N. M. VANCE,
SECRETARY

Attorney for the Cherokee Nation,

MUSKOGEE, I. T.

Mary J. Alcock

Cherokee Nation }
Tahlequah District } On this day came before
me S. S. Boyles a Notary
Public and authorized to administer
oaths, Susan A Orchard who being well
known to me to be a reputable and trust-
-worthy citizen of the Cherokee Nation by
blood, who after being duly sworn
states, I am a Citizen of the Cherokee
Nation by blood deriving the same
strength my Father and Mother both.
My dead Father's name was Ira J Collins,
who is now dead, my Mother's name
was Mary P. Wa[illegible] Collins,
I have not passed off the rights of
Cherokee Citizenship since I first came
to the Cherokee nation, which was in 1875
I am well acquainted with the Freedmen
who live on the Illinois River who are western
Indian by blood. I have frequently heard the
Freedmen speak of Emma J Wilson as being their
Relative and a Cherokee Indian by blood
deriving blood strength the same
source as they did.

Susan A Orchard

Subscribed and sworn to before me
at Tahlequah this 21st day of August
AD 1896

S. S. Boyles Notary Public
Northern District I.T.
Commission Expires July 19th. 1899.

Affidavit of
Clark Collins

Cherokee District, N.T. — W. C. Shoenley
Indian Territory, a Notary Public, in and for the
said Nation and Territory, and authorized to administer oaths, Clark Collins, to me well known to be of good repute and entitled to full faith and credit who being duly sworn upon his oath states,

My name is Clark Collins, I am a citizen of the Cherokee Nation by blood, Deriving the same through my father and mother both, My said Father is dead, My Mother yet Survives, and is Married to Thomas J. Welch, My said Mother name Mary J. Welch, was born, My said Fathers family myself included came to the Cherokee nation in 1875, I am personally well acquainted with the Welch family who live on the Illinois river in Sequoyah County and are enjoying their citizenship. I have frequently heard the said Welch family speak of Thomas J. Welch as being relatives and of the same Cherokee blood

Affiant further states that his said Mother Mary J. Welch and family are Cherokee Indians by blood, and is recognized, I for my self Participated in the last Cherokee payment, of the strip money,

Clark Collins

Subscribed to and sworn by me this the 2nd day of Sept. 1896

W. C. Shoenley
Notary Public
Northern Dist. I.T.

Muskogee I.T. Jan 16th 99.

AFFIDAVIT.

United States of America)
Indian Territory) SS.
Northern District)

In the case of Thomas J. Welch claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before the Honorable "Dawes Commission," authorized under act of the Congress of the United States.

Personally appeared this day before me S S Bayles a Notary Public within and for the District aforenamed, duly authorized to administer oaths William Tacket to me personally well known to be reputable and entitled to credit, and who being by me duly sworn according to law, deposes and says: My name is William Tacket; my age is 76 years: My post-office address is Tahlequah I.T.; I am a Farmer by occupation; I am a citizen of the Cherokee Nation by adoption.

And affiant declares in relation to the above-named case as follows, to-wit:

I was personally well acquainted with John Welch in the County Marion state of Tennessee he was a Cherokee Indian by blood he lived in the neighborhood of Jasper he had a brother named George who was also Cherokee Indian by blood. John Welch came to Tennessee from Georgia on the account of the Treaty Trouble as he claimed. he was the Grand father of Thomas J. Welch

Wm Tacket

Subscribed and sworn to before me at Tahlequah this 3rd day of September A.D. 1896

S. S. Bayles Notary Public
Northern District. I.T.

Commission Expires July 19th. 1899.

~~#1034~~

Thomas J. Whitely
& wife
vs
Cherokee Nation

Filed Sept 5th 1896
A. S. McKennon
Comr

Mrs Mary P. Whitely
admitted as an intermar=
=ried citizen, her first
husband having been Joa.
J. Collins a citizen of
Cherokee Nation. She
being a white woman & Thos J.
Whitely a white man - said
Thos J. is rejected, as is their
children -
Rusmus & Thornley
Tahlequah I.T.

United States of America
Indian Territory
Northern District

Personally appeared before me S. S. Bayles a Notary Public within and for said District, duly qualified to administer Oaths.
Thomas J. Welch who states that he Presented his citizenship Papers consisting of two (2) applications and Four (4) affidavits to the Nash Swann and Principal Chief he would not receive them but sent me to the attorneys for the Cherokee Nation who received the Papers but would not receipt for them in the Presence of Mr. Green Atkins, on the 3rd day of September A.D. 1896

T J Welch
N. G. Atkins

Subscribed and sworn to before me at Tahlequah this 3rd day of September 1896

S. S. Bayles Notary Public
Northern District I.T.
Commission Expires July 19th. 1899.

Nation's No. 668

Commission's No.

In re Application of

Mary P. Welch
and
P. J. Welch

Demurrer and Answer.

Filed Oct 7, 1896.
A. McJ. Lowery
Clk

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. B. Montgomery, Commissioners.

In the matter of application of

D. Welch
and
Mary Welch

Nation's No. 6608

Commission's No.

for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicant is entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Welch & Thos. Langley through whom the petitioner claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that their name does not appear on any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof;

Respondent, for a further and complete defense to the aforesaid Application says: That, heretofore said applicant made application before a legally constituted Court, or Commission on citizenship, having jurisdiction over applications for re-admission to citizenship in the Cherokee Nation; That the said case was tried upon its merits; that upon a final hearing, judgment was duly given against the applicant and in favor of this Nation. A duly certified transcript of the aforesaid proceedings and judgment are annexed hereto and made a part of this answer.

That Mary Welch's first husband was named Collins a recognized Cherokee Citizen & other children by them are recognized citizens. that she is a white woman and is his her present husband D. Welch.

Having fully answered, your respondent asks to be hence dismissed.

S. H. MAYES, Principal Chief Cherokee Nation.

By Hulchings Hastings & Bondurant Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

Subscribed and sworn to before me this, the 5 day of Oct 1896.

D. M. Bond

NOTARY PUBLIC.

Application for Cherokee Citizenship.

To the Honorable, the DAWES COMMISSION, Vinita, Indian Territory:

The undersigned Ed Thomas J. Welch your petitioner, makes this his application for admission to citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, in accordance with all the Treaties, the Constitution and laws of the Cherokee Nation, and precedents established and of record, and respectfully submits the following statement of facts for the grounds of his claim, to wit:

That he is the son of one Joseph Welch and the grandson of one Golden Welch ~~and the~~ ~~of one~~ who, your petitioner firmly believes, was a Cherokee Indian by blood and duly acknowledged member of the Cherokee tribe of Indians, and from whom he derived the Cherokee Indian blood, entitling him to citizenship in the Cherokee Nation, Indian Territory.

That ~~name and~~ the name of said ancestor should be found to appear on the Census Rolls, taken and made of Cherokees east of the Mississippi river, in the years, 1835, ~~1848, 1851, and 1852~~.

And your petitioner respectfully awaits the time ~~this~~ when his application for admission, together with the proof in support thereof, shall be truly heard and passed upon.

That the age of your petitioner is 30 years; that his postoffice address is Tahlequah I. T. and that his family, by virtue of Cherokee Indian blood, consists of the following named to-wit:

No.	Names	Sex	Age	Relationship	Remarks.
1	Henry D. Welch	M	32	Brother	Living but
2	Jesse F. "	M	11	Son	Disputed
3	Louisa B. "	F	9	Daughter	
4					
5					

In Witness Whereof. I have hereunto set my hand at Tahlequah I. T. this, the 19th day of August, A. D., 1896.

Thomas J. Welch

Attest:

Subscribed and sworn to before me at Tahlequah I. T. this, the 19 day of August A. D., 1896

[SEAL]

W. O. Thompson
Notary Public
Northern Dist I.T.

My Com. Exp. Jan. 16-98.

Department of the Interior,
RECEIVED.
NOV 4 - 1903
Enc. No. ___ of No. ___
Indian Territory Division.

LAND DIVISION
NOV 12 1903

71953

67132

Index Office

Incl. No.

Letters

Letter from the Secretary of the Interior (7088) Acting Land Commissioner Ketchum to the Commissioner of Indian Affairs in the matter of the application of Mary E. Lafferty for the allotment of land in the Choctaw Nation.

Department! according the same poll and parts after the time the [illegible] of the Choctaw Nation, Indian Territory, [illegible] 1' Acting Commissioner Ketchum to the Commissioner of Indian Affairs in the matter of the application of Mary E. Lafferty for the allotment of land in the Choctaw Nation.

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Indian Office

Incl. No.

Department of the Interior,
RECEIVED.
NOV 21 - 1903
Enc. No. of No.
Indian Territory Division.

LAND DEPARTMENT
NOV 13 1903
71923

[illegible]

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[illegible]

IN THE DEPARTMENT OF THE INTERIOR,

WASHINGTON.

In re:

Application for the enrollment of
Thomas J. Welch et al as citizens of
the Cherokee Nation. Cherokee D 1046.

Reply Brief of the Cherokee Nation.

The Cherokee Nation most respectfully objects to the motion for review and rehearing filed by counsel for applicants in this case and calls the attention of the Department to the following statement of facts The records show, in this case, that these same parties applied to the Commission to the Five Civilized Tribes under the act of June 10 1896 and all were rejected except Mary P. Welch one of the applicants herein who was admitted because it was shown that her former husband Ira J. Collins was a Cherokee by blood hence she was admitted as a citizen of the Cherokee nation because of a previous intermarriage with the said Ira J. Collins.

This case has been up before the Commission to the Five Civilized Tribes quite a number of times for hearing first on January 17, 1901; again on March 14, 1902; and on October 21, 1902 and at no time was the fact that the said Mary P. Welch was admitted as a Cherokee by blood under the name of Polly Collins referred to. Although this case was submitted on March 14, 1902, yet at that time the applicants did not deem it advisable to file a certificate from the Executive Secretary of the Cherokee Nation which attorneys for applicants attach to their motion for review and attention is called to the fact that this certificate is dated March 10, 1902 or some four days before this case was finally submitted hence the attorneys must have had this certificate on March 14, 1902 when the case was finally submitted yet they were afraid, in the presence of a representative of the Cherokee Nation to introduce this certificate.

The truth is that the records before the Commission in 1896 are full and complete and Mary P. Welch, at that time, under the act of June, 10,

1896, never claimed that she had at any former time been admitted a to citizenship in the Cherokee Nation under the name of Polly Collins. In the truth is she is not the same party and she introduces no proof whatever before the Department to show that she is one and the same person except ex parte affidavits which are made by Mary P. Welch and her distinguished husband who was clearly discredited in a land contest case filed before the Commission wherein thirteen of his neighbors, under oath testified that he was a man of bad reputation. He was afraid to introduce these spurious affidavits before the Commission before his case was closed but he attempts to put it up before the Department substantiated by ex parte affidavits. As a matter of fact we had had Cherokee payments in 1875, 1880, in 1883, in 1886, in 1890, and in 1894 and if this Mary P. Welch was the identical Polly Collins who was admitted, in 1875 does it not appear reasonable that her name would appear upon some one of those pay rolls and yet the records in the possession of the Commission show that her name can not be found upon any of those rolls. If she had been admitted in 1875 she would have introduced this proof before the Commission in 1896 which was not attempted, or even hinted or or suggested.

Again if she was admitted in 1875 and had always been recognized as a citizen of the Cherokee Nation as she now claims why did she apply to the Commission in 1896 at all? The truth is that she is not the same person and there is no credible proof that she is the same person and the Cherokee Nation now most earnestly protests against this procedure of counsel for applicants in attempting to get ex parte affidavits before the Secretary of the Interior and thereby avoiding a cross examination of the applicants before the Commission. If the applicants have any proof it should be submitted under the rules of the Commission, before the Commission and not by ex parte affidavits.

All of these applicants applied to the Commission in 1896, the Commission adjudicated their claims at that time by deciding that Mary P. Welch was a citizen by intermarriage and rejecting the other members of the family; that decision was final. The applicants themselves took no appeal neither did the Cherokee Nation and we say that it is final upon both parties except for the subsequent act of the said Mary P. Welch who

Department of the Interior
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Division of Indian Education
Enrollment

goes by the name of Welch, claims Thomas J. Welch a white man as her husband; occupies the same bed and board with him and in 1896 swore that she was his wife and if this be true she has forfeited her right to be enrolled as a citizen of the Cherokee nation by intermarriage under section 666 of the compiled laws of the Cherokee Nation (1892) which reads as follows:

"Should any man or woman, a citizen of the United States or any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee Citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

We contend that:

First, Mary P. Welch is a white woman which all of the records show;

Second, That all of the members of the family were rejected in 1896 except Mary P. Welch who was admitted as a citizen by intermarriage, and that that judgment is final.

Third: That under the rules ex parte affidavits should not be submitted to the Department of the Interior in support of a motion for rehearing and review where the opportunity has been afforded to introduce at various times all of the proof contained in said affidavits in a citizenship case before the Commission to the Five Civilized Tribes, where the witnesses could be subjected to cross examination.

Fourth: That the non appearance of the name of Mary P. Welch upon any Cherokee pay roll or census roll since 1875 is convincing corroborative proof that she was not the Polly Collins admitted by the Cherokee National Council in 1875 which supports the finding of the Commission in rejecting her as a Cherokee by blood.

Respectfully,

W W Hastings jcs

W. W. H.
J. C. S.

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen the application for the enrollment of Thomas J. Welch, et al., as citizens of the Cherokee Nation.

Reply of the Cherokee Nation.

The record in this case shows that Thomas J. Welch appeared before the Commission on January 17, 1901, at Muskogee, Indian Territory, and made application for enrollment for himself and certain members of his family; that at that time a thorough search of the rolls was made and it was found that the names of none of the applicants appeared thereon; the records further show that all of the members of the family of Thomas J. Welch were rejected by the commission under the act of June 10, 1896, except Mary P. Welch, who was admitted as a citizen by intermarriage by virtue of the fact that she had married a Cherokee by the name of Collins prior to that time, and she having denied her legal marriage to Thomas J. Welch, and there was no appeal from the judgment of the Commission under the act of June 10, 1896, denying the application of the said Thomas J. Welch, for himself and his minor children. The record further shows that on January 17, 1902, the Commission to the Five Civilized Tribes rejected the applications of the applicants for enrollment and cited the act of May 31, 1900, which provides that said Commission shall continue to exercise all authority heretofore conferred on it by law,abut shall not receive, consider or make any record of any application of any person for enrollment of any tribe in Indian Territory who had not been a recognized citizen thereof, duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior. The record shows that prior to this decision, namely, January 9, 1902, the Commission to the Five Civilized Tribes caused a thorough to be made of all the rolls in the possession of the Commission and that the names of the applicants appeared upon none of them.

The applicant now contends that the names of his ancestors appeared upon rolls prior to 1880, and in passing we might say the further back he refers the better. The truth is as the records show, he has never been

recognized as a citizen. Their names appear upon no roll. In his motion he alleges fraud on the part of George Butler, his attorney. This applicant knows that George Butler is dead and cannot speak for himself.

He then alleges fraud upon Tom Triplett and asserts the fact that Tom Triplett, now deceased, died while serving a sentence in prison at Leavenworth, Kansas. He was very careful, however, to conceal the fact that he himself had served a like sentence in prison at Leavenworth, Kansas, and that he is recently out of the penitentiary.

He alleges newly discovered testimony, but he does not give the names of any witnesses by whom he could prove newly discovered testimony, nor does he give the substance of what they would swear, nor does he attach their affidavits and under the decision of the Department in numerous cases, including that of Celia Kirkpatrick, F. D. 673 (I.T.D 7744 and 7515-1904), it was held by the Department:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

This has been the uniform ruling adopted by the Department.

The motion should not be allowed, because:

First. The names of the applicants appear upon no roll, and they are not entitled under the Act of May 31, 1900.

Second. They were rejected by the Commission under the Act of June 10, 1896, and that rejection was final.

Third. No affidavits are attached to the motion for a rehearing.

Fourth. The case is without any merit whatever.

For these reasons therefore we respectfully submit that the motion to reopen should be denied.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Butler & Johnson
Att for T J Butler

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen the application for the enrollment of Thomas J. Welch, et al., as citizens of the Cherokee Nation.

Reply of the Cherokee Nation.

On October 3d, 1906, additional copies of affidavits were served on the representative of the Cherokee Nation. We have heretofore replied to the motion filed to reopen this case on July 6, 1906, and we do not deem it necessary to go into the reasons why we resist the motion to reopen, but we desire to call the attention of the Commissioner and the Department to the fraud attempted to be perpetrated by the principal applicant in this case. He has a long affidavit purporting to have been signed by John H. Greece on the 16th day of August, 1906, in which he makes Greece state that he was a citizen of the Cherokee Nation and was employed by Johnson Thompson for the firm of E. C. Thompson as salesman and collector in 1880 and for several years thereafter, and the affidavit claims that he made an examination of the roll and what the roll disclosed, and the affidavit charges that "one Tom Triplet drew all the money of these people representing to the deponent that he was their guardian appointed by the Court and that said Tom Triplet has continued to draw all payments for these parties from that time until the payment of 1894, inclusive." There can be no mistake about Greece claiming that Triplet drew this money in 1880. The representative of the Cherokee Nation does not desire to testify in this brief, but he personally knew John H. Greece and Thomas Triplet, the one referred to, and he knew that these facts stated in these affidavits were untrue, and an examination of the roll in possession of the Commissioner to the Five Civilized Tribes shows that John H. Greece gave his age on November 28, 1900, as 33 years; therefore, he was only 13 years of age in 1880, and of course was not the salesman and collector in the employ of Johnson Thompson for the firm of E. C. Thompson. The rolls in possession of the Commissioner to the Five Civilized Tribes show that

Thomas W. Triplet (the one referred to) gave his age on December 18, 1900, as 31 years and was therefore only eleven years of age in 1880; he was a barefoot boy. How could he have been the legal guardian and the perpetrator of the frauds referred to in this affidavit of Greece and others attached to it. The truth is this same Triplet went to school at the Male Seminary with the representative of the Cherokee Nation, 1882-1884, and Triplet graduated from that school in 1886-7 and of course had nothing whatever to do with public affairs until after that time. We desire to call attention to this to show to what length the principal applicant, who is an ex-convict, will resort in order to attempt to fraudulently prove his case. He has another affidavit of Henry Wood who attempts to make certain statements about what the records will show, and the records are in possession of the Commission and show for themselves and have been for a number of years. It is true that census takers were appointed to take the census in 1880, and their lists were submitted to the Cherokee National Council which revised, corrected, added to and deducted from the list prepared by the census takers as the Cherokee National Council saw fit and finally authenticated by an Act the result of their findings and this constituted the authenticated roll of 1880, which is in possession of the Commissioner to the Five Civilized Tribes and has been for six or eight years. Woods swears that these people were trading with him in 1880, whereas the affidavit of John H. Greece is to the effect that they were trading with the firm of E. C. Thompson. Campbell Taylor is an old citizenship lawyer, convicted in the United States Court at Fort Smith years ago of fraud in citizenship cases, a man of absolutely no standing whatever, and still this principal applicant attempts to use this class of people to prove his claim. Even Campbell Taylor attempts to lay the blame upon Tom Triplet who is now dead for not having principal applicant's name upon the 1880 roll, whereas the record shows that he was only 11 years of age at that time.

There is no merit whatever in this case. These people were rejected under the Act of June 10, 1896. Their names appear upon no roll and it is conclusively shown that the Polly Collins who was admitted with her family

prior to 1880 was not May P. Welch and could not have been under any circumstances.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Acknowledge service.

Butler & Lincoln

IN THE DEPARTMENT OF THE INTERIOR.

----o.o----

In re	)	
Application of Thomas J. Welch,	:	Cherokee D-1046.
et al., for enrollment as citi-	)	
zens of the Cherokee Nation.	:	

----o.o----

MOTION FOR REHEARING.

Now come the applicants by their attorneys and move that the decision in said case be set aside and that a review and rehearing be granted for the following reasons:

1. The Commissioner of Indian Affairs gave passed upon this case believing, as indicated in the record, that Mary E. Welch is an intermarried citizen, whereas, the affidavit hereto attached shows that she is the same person who was admitted to citizenship by act of the Cherokee National Council November 28, 1875, as a Cherokee Indian. The record indicates that her former husband, James Collins, was an Indian and his wife, Polly Collins, a white woman; whereas the certified copy of the said act of the Cherokee National Council attached hereto shows that the said Polly Collins is a Cherokee Indian and that said James Collins was a white man.

2. The children of said Mary E. Welch were rejected because the record indicated that she was merely an adopted citizen without Cherokee blood and because the father of the children was also rejected. The facts are as shown by the affidavit and the certified copy of the Cherokee act that the children of said Mary E. Welch and Thomas J. Welch are Cherokees by blood.

Henry Grimland Wm Henry White
Attorneys for Applicants.

(C - O - P - Y)

IN THE DEPARTMENT OF THE INTERIOR.

----oOo----

In re)
Application of Thomas J. Welch, :
et al., for Enrollment as)
Cherokee citizens. :

----oOo----

A F F I D A V I T.

Personally appeared before me Thomas J. Welch, who, being first duly sworn deposes and says that he is one of the applicants in the above entitled cause and that Mary P. Welch, Jessie J. Welch and Josie P. Welch are the other applicants in said cause and that the said Jessie J. Welch and Josie P. Welch are the children of said Mary P. Welch and this affiant.

That the said Mary P. Welch is the same person who was admitted to citizenship in the Cherokee Nation by act of the Cherokee National Council on, to wit, the 29th day of November, 1875, under the name of Polly Collins. That said Polly Collins(Mary P. Welch) was at that time the wife of James Collins (who was otherwise known as Ira J. Collins) who was a white man and that said Polly Collins (Mary P. Welch) was admitted to citizenship as a Cherokee Indian and that said Polly Collins (Mary P. Welch) is a Cherokee by blood and that the said Jessie J. Welch and Josie P. Welch are also Cherokees by blood.

This affiant has been informed that the Commission to the Five Civilized Tribes admitted said Mary P. Welch to citizenship in 1896 as an intermarried white person, but affiant says that if that be true that the same was an error as above shown.

THOMAS J. WELCH
Affiant.

Subscribed and sworn to before me this 1st day of September, A. D. 1903.

J. L. HARNAGE,
Notary Public.

Notarial
--Seal--

(C - O - P - Y)

An act granting citizenship to Polly Collins and others.

Be it enacted by the National Council that Polly Collins a Cherokee Indian, and James Collins (a white man) her husband Clem Quinton, Eliza Collins, Kate Collins, G. Collins, and Sarah Collins, children of Polly Collins, be and they are hereby entitled to all the rights and priviliges of Cherokee Citizenship when-ever they remove to the Cherokee Nation and permanently locate in the same.

November the 29th 1875

Approved

Charles Thompson
Principal Chief
Cherokee Nation.

Executive Office Cherokee Nation,
Tahlequah, I. T.

I B. W. Alberty, assistand Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of laws passed by the National Council and approved by the Principal Chief in the year of 1875; that said record is filed in this office and is in my legal custody.

Given under my hand and seal of the Cherokee Nation the the 10th day of March 1902.

B. W. ALBERTY
Assistand Executive secretary
Cherokee Nation.

Seal of the Cherokee Nation

IN THE DEPARTMENT OF THE INTERIOR.

----oOo----

In re	)	
Application of Thomas J. Welch,	:	Cherokee B-1146.
et al., for enrollment as citi-	)	
zens of the Cherokee Nation.	:	

----oOo----

BRIEF ON BEHALF OF APPLICANTS.

The record shows that in 1896 the Dawes Commission admitted Mary J. Welch as a citizen by intermarriage. This was a clerical error. Thomas J. Welch, her husband, testifies that she applied in 1896 for admission as a citizen by blood. His affidavit filed herewith shows that Mary J. Welch and Polly Collins are one and the same person. The certified copy of the Cherokee act, also filed herewith, shows that Polly Collins was given all the rights and privileges of Cherokee citizenship whenever she removed to the Cherokee Nation and permanently located in the same. This was given to her as a Cherokee Indian and to James Collins, a white man, as her husband. Her Cherokee blood is thereby recognized. It is further recognized in the admission of Eliza Collins, Kate Collins, J. Collins, and Sarah Collins who were admitted as her children by virtue of their Cherokee blood through her.

We do not understand the cause for the error in her admission in 1896. The fact remains that she was admitted to citizenship at that time, that her name appears rightfully upon the roll, but that it should be there as a citizen by blood and not as a citizen by intermarriage. Every bit of testimony in the case shows that she is a Cherokee by blood and there is no possible way in which she could be a citizen by intermarriage. Her first husband is shown to be a white man. Her second husband, Thomas J. Welch, was refused admission by the Commission in 1896;

therefore, she is not an intermarried citizen by virtue of her relations to him. We are confident that the Department will not hold these applicants responsible for purely clerical errors committed by the Dawes Commission in 1896, or at any other time. To do so would work gross injustice and we know that every effort of the Department is and has always been to promote justice for the Indian and to stand between him and injustice. Therefore, we confidently ask that this error be corrected and that the case be considered from now on as corrected, which will give the following state of facts:

Mary E. Welch is a Cherokee by blood and as such she was admitted to citizenship by act of the Cherokee National Council November 29, 1875, under the name of Polly Collins. She was again admitted to citizen by the Dawes Commission in 1896, although the indication here is that she is an intermarried citizen. The true fact is that she is a Cherokee by blood. There can be no question as to the legality of her enrollment. No question of fraud has been or can be raised. There is every qualification as to residence and her name appearing upon the roll she is now entitled to enrollment under the Curtis Act, which directs the Dawes Commission to investigate the rolls and to enroll her if her name appears there, unless it was placed there by fraud or without authority of law.

The children of Mary E. Welch, namely, Jessie J. and Josie E. Welch have resided in the Indian Territory [illegible] lived on their mother's allotment [illegible] citizenship. Their application was made in [illegible] with their mother. Because of the clerical error of the Commission in indicating the mother as an intermarried citizen and because of the finding that the mother was a non-citizen, these children were, of course, rejected. We believe it consistent with justice and fairness that the record made by the Commission in 1896 should be corrected so as to show that the mother is a citizen by blood, and that being done the children's rights are

conclusively shown. There was absolutely no authority for their rejection in 1896. No appeal was taken fromthe decision of the Commission and the Commission, therefore, never lost jurisdiction of the case. There is no law of the Nation or of Congress which deprives the Commission of the right, which every tribunal has, to correct the errors in its own records.

We believe the case of these children will appeal to every man who reads this brief. There are no children in the Cherokee Nation who are more clearly entitled to share in the distribution of its lands and funds than are Jessie J. and Josie P. Melch. If they are not allowed to share in this distribution a great injustice and irreparable injustice will be done them. This injustice will have been worked by the errors committed by the officers whose peculiar function it is to protect these very people from injustice.

We fully appreciate that in handling thousands of cases errors of this kind must, of necessity, occasionally be made. This brief is not written in a spirit of criticism and we here disclaim any intention of criticizing the Commission. We but speak the facts as they are and ask in behalf of those about to suffer by reason of the error, on behalf of those who arein no wise accountable for or chargeable with the error, that the error be corrected by those who made it and by those whose duty it is to correct it that justice and not injustice may be the result.

We here repeat that we have confidence in the disposition of every person whose duty is to adjudicate these matters to treat the applicants with fairness. It is because of that confidence that we firmly believe that these applicants will be enrolled in the way we have suggested, or in some other effective and proper manner which may suggest itself to the Department or the Commission.

Respectfully submitted,

Henry G. Ringball

Thos. Henry Hitt

Attorneys for Applicants.

(Copy)

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1036-1902. February 18, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the matter of the application of Thomas J. Welch, for the enrollment of himself, his wife, Mary P. Welch, and his children, Jesse J., 17 years of age, and Josie B., 16 years of age, as citizens of the Cherokee Nation, No. 266.

It appears that Thomas J. Welch applied in 1896 for the enrollment of himself, wife and children; that he and his children were denied enrollment and no appeal was taken.

It is stated that Welch was not lawfully married to Mary P. Welch, but has lived with her since 1879; that she applied to your commission in 1896 to be enrolled as a citizen of the Cherokee Nation by reason of her former marriage to Ira J. Collins, and that her application was granted and no appeal taken by the nation.

You rejected the application of Welch and his minor children under the provisions of Act of May 31, 1900 (31 Stat., 221), and so advised him January 17, 1902.

The Acting Commissioner of Indian Affairs on February 10, 1902, recommended that your decision be approved. Finding no reason to disturn it, it is confirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

1 inclosure.

(Signed) Thos Ryan
Acting Secretary.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
—
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902

Mr. Thomas J. Welch,

Tahlequah, Indian Territory,

Sir:-

You are hereby notified that the application of Mary P. Welch

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

7

Yours truly,

Acting Chairman.

Commissioner in Charge.

Copy to W.F.Severs,
Muskogee, I.T.
Cherokee D-1046
Register.

FILED
FEB 28 1902
Austin Entelman

Cherokee D-1046.

Muskogee, Indian Territory, April 10, 1902.

Ridge Paschal, Esq.,

Tahlequah, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of April 7, enclosing certified copy of an act of the Cherokee National Council admitting Polly Collins et al, to citizenship in the Cherokee Nation.

The same has been filed with the application heretofore made for the enrollment as a citizen of the Cherokee Nation of Mary P. Collins, Cherokee D-1046.

Yours truly,

Commissioner in Charge.

HARRY G. KIMBALL.
WILLIAM HENRY WHITE.

KIMBALL & WHITE,
Attorneys at Law,
COLUMBIAN BUILDING, 416 5TH ST., N. W.,
Washington, D. C.

September 9, 1903.

W. W. Hastings, Esq.,

Muscogee, Ind. Ter.

Dear Sir:

We enclose herewith copies of motion for review, affidavit of Thomas J. Welch, certified copy of the act of the Cherokee National Council admitting Polly Collins to citizenship and brief on behalf of applicants in re application of Thomas J. Welch et al., for enrollment as citizens of the Cherokee Nation, which we have filed with the Department.

Yours very truly,

Kimball & White

Cherokee D-1046

Tahlequah, Indian Territory, November 3, 1903.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

I request that this office be furnished with information as to the present status of the application of Mary P. Welch for enrollment as a citizen by intermarriage of the Cherokee Nation. If a decision in this case has been rendered, and forwarded to the Department for approval, I request that a copy of such decision be forwarded.

This information is desired at the earliest possible date.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Cherokee D-1046

Tahlequah, Indian Territory, November 10, 1903.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

Receipt is acknowledged of the Commission's letter of November 7, in regard to the status of the application of Mary P. Welch for enrollment as a citizen by intermarriage of the Cherokee Nation, Cherokee D-1046.

I request that the jacket and record in this case be forwarded to this office as it is desired to take further testimony.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Tahlequah, Indian Territory, November 28, 1903

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

As requested by telephone this afternoon, there is transmitted herewith copy of testimony in Cherokee Allotment Contest No. 41, Welch, Guardian, vs. Benge; also a copy of testimony taken November 24, 1903, in the matter of the application of Mary P. Welch for enrollment as a citizen of the Cherokee Nation, Cherokee D-1046. The testimony in both cases bears upon the general reputation for truth and veracity of Thomas J. Welch, Sr., or Ed Welch, as he is more generally known.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

J.

Encl. J-1

KENNETH S. MURCHISON. FRANK J. BOUDINOT.

MURCHISON & BOUDINOT,
ATTORNEYS AT LAW,
TAHLEQUAH, IND. TER.

Tahlequah, I. T.
Dec. 30, 1903

The Commission
To the Five Civilized Tribes,
Tahlequah, I. T.

Gentlemen:

In the matter of the citizenship application of Mary T. Welch, we feel that, inasmuch as Mrs. Welch cannot not prove her right to citizenship by blood, and as we are employed by the Cherokees by blood to prosecute their suit against the intermarried citizens, we cannot consistently continue in this case, and we therefore beg to withdraw our appearance for Mrs. Welch.

Yours very respectfully

Murchison & Boudinot

DEC 30 REC.

Tahlequah, Indian Territory, December 31, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is acknowledged of the Commission's letter of December 17, stating that Cherokee case M-266, Thomas J. Welch et al., has been remanded by the Department for readjudication. It is requested that the jacket and record in this case be forwarded to the office at Muskogee.

This jacket and record are transmitted herewith. There is also transmitted the jacket and record in Cherokee case D-1046, Mary P. Welch, the mother of the two children included in Cherokee M-266.

Mary Welch formerly applied as a citizen by intermarriage, but has recently introduced testimony attempting to establish the fact that she is a citizen by blood of the Cherokee Nation. The testimony recently taken in that case should be considered and made a part of the record in Cherokee case M-266, Thomas J. Welch et al.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Enc. M-2157

Cherokee D 1046

CC

Muskogee, Indian Territory, February 28, 1907.

Mary P. Welch,

Tahlequah, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorney W. F. Seavers, Muskogee, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in the case and there has this day been forwarded him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-20
RA
Register.

Cherokee D 1046

COPY

Muskogee, Indian Territory, February 28, 1907.

W. F. Seavers,

Attorney for Mary P. Welch,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, denying the application for the enrollment of Mary P. Welch, as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.A-21
RA

REFER IN REPLY TO THE FOLLOWING:
Cherokee D 1046

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Mary P. Welch, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-22
RA

COPY

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Mary P. Welch, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 28, 1907, denying said application.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl.A-23
RA

Through the Commissioner
of Indian Affairs.

(C O P Y)

D.S.13261 C.R.W.

DEPARTMENT OF THE INTERIOR, FEH

WASHINGTON. March 4, 1907.

I.T.D.8066-1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department hereby affirms your decision adverse to the applicants in the following Cherokee enrollment cases, received with Indian Office letter of March 4, 1907 (Land 21906 et al), copy inclosed, and the papers in such cases have been sent to the Indian Office, viz:

Cherokees by Blood.

Lizzie Johnson
Dalton Mellowbug
Dorothy M. Mathews, et al.,
Godaski King

Cherokees by intermarriage.

Mary P. Welch

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

1 inc. and
10 for Ind. Of. with
copy hereof.

McM.

3-4-07.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
References
in body of
letter.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports of Commissioner Bixby transmitting records in certain Cherokee citizenship cases, together with his decisions denying the applications for the enrollment of the persons involved in each case, as follows:

Cherokees by Blood.

21906-1907	Lizzie Johnson
21904-1907	Dalton Mellowbug
21907-1907	Dorothy M. Mathews, et al.
21903-1907	Godaski King

Cherokees by Intermarriage.

21905-1907	Mary P. Welch

The Office has examined the record in each of the above cases and finds the conclusions of the Commissioner to be correct, and his decisions are recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

C763

REFER IN REPLY TO THE FOLLOWING:

Cherokee D 1046

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 23, 1907.

Mary P. Welch,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Enc I-16
RPI

Cherokee D
1046

Muskogee, Indian Territory, March 23, 1907.

W. F. Seavers,

Attorney for Mary P. Welch.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Mary P. Welch, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

T. Rodgers.

Commissioner.

Enc I-1

RPI

Cherokee 8003 et al

CC

Muskogee, Indian Territory, March 23, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of the following named persons as citizens of the Cherokee Nation; was affirmed by the Secretary of the Interior March 4, 1907:

Cherokees by Blood.

Lizzie Johnson,
Dalton Mellowbug,
Dorothy M. Mathews, et al.,
Godaski King.

Cherokees by intermarriage.

Mary P. Welch.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-15
RPI

[illegible]

[illegible] Collins

Jerusa & Rach. Collins.

[illegible]

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Mary P. [redacted]

Tahlequah, Indian Territory.

20

#379

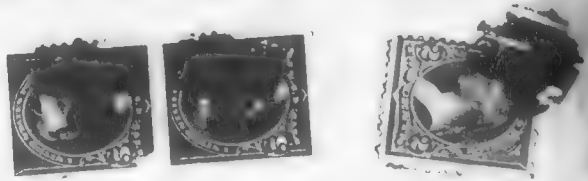
Unable to deliver

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Mary P. Welch,

Tahlequah, Indian Territory.



Hon. Dawes Commission
Vinita
Ind Terry

155/149

#1034

Thos J. Welch
vs
Cherokee Nation

9/5/96

No. 1046

IN THE MATTER OF THE APPLICATION OF

[illegible]

[illegible]

[illegible]

[illegible] 3/15/02

Cher D 1047

Cher D 1047

APPLICANT'S WIFE REJECTED. HIS CHILD DOUBTFUL

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 17th, 1901.

IN THE MATTER OF THE APPLICATION OF John T. Petty for the enrollment of himself, wife and child as citizens of the Cherokee nation, and said Petty, appearing before the Commission and being sworn and examined testified as follows:

Q What is your name? A John T. Petty.
Q How old are you? A Twenty eight.
Q What is your Postoffice address? A Bennett.
Q Do you apply for the enrollment of any one besides yourself?
A Myself, one child and my wife.
Q Are you living in the Cherokee nation? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A One eighth.
Q What district are you living in? A Canadian.
Q How long have you lived in the Cherokee nation?
A Born and raised here.
Q Have you been outside of the Cherokee nation for any purpose within the past three years? A No sir.
Q What is the name of your father? A John T. Petty.
Q Is he living? A Yes sir.
Q Was your father a Cherokee? A No sir.
Q What is the name of your mother? A Rachel.
Q Is she living? A No sir.
Q Was your mother a Cherokee? A Yes sir.
Q What is the name of your wife? A Emily Ann.
Q Is she living? A Yes sir.
Q How old is she? A Eighteen.
Q Is she a Cherokee or white woman? A She claims to be a Cherokee.
Q Was she ever been recognized as a Cherokee citizen? A No sir.
Q What is the name of her father? A Sam Brown.
Q Is he living? A No sir.
Q What's the name of her mother? A Mary Jane.
Q Is her mother living? A Yes sir.
Q What is the name of your child? A George W.
Q How old is the child? A About two years old the first day of March.
Q This child is alive and living with you at this time? A Yes sir.
Q Your present wife, Emily Ann Petty, is the mother of the child?
A Yes sir.
Q When were you married to her? A I was married to her -- I can not tell the exact date without some papers -- the 21st day of September, 1897.
Q Have you any evidence of your marriage? A No sir, not with me.
Q Have you a license at home? A No sir, I have a certificate from the man that married me, with me.

CONCLUSION: The applicant presents a certificate from W. J. Hill, Minister of the Gospel, certifying that he solemnized the rights of matrimony between J. T. Petty and Emily A. Brown, on the 21st day of September, 1897. The certificate is filed herewith.

Q Were you ever married before you married this woman?
A Yes sir.
Q What is the name of your first wife? A Her name was Keith N. Brannon before we married.
Q Is she living or dead? A She's dead.
Q When were you married to her? A I disremember the date.
Q About when? A About seven or eight years ago.
Q How long did you live with her? A I lived with her six weeks.
Q Were you divorced from her? A No sir.
Q Was she ever been divorced from you? A I married and so did she.
Q Did you Neither of you ever secured a divorce? A I sued for divorce - Mr. Boudinot was my lawyer, and he told me I did not need a divorce.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q So, the suit was withdrawn, was it? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Did she apply to the Dawes Commission, and was she admitted as an adopted citizen? A Yes sir.

COMMISSION:
Q Does your name appear upon the authenticated roll of 1880?
A It ought to.
Q Where were you living at that time? A Tahlequah.
Q In Canadian District? A Yes sir.
Q Were you living there in 1896? A No sir.
Q Where were you living then? A Where I am living now.
Q Did your wife ever apply to the Dawes Commission for enrollment as a citizen of the Cherokee Nation? A I am sorry she did.
Q I mean your present wife? A No sir.
Q Did she ever apply to the Cherokee National Council, she or her parents? A Her parents has.
Q Were they admitted to citizenship? A No sir, they were not admitted.
Q They were denied? A Yes sir.
Q And your wife has never been recognized as a citizen of the Cherokee Nation? A No sir.

(1880 Roll, Page 39, #1074, W. T. Petty, Canadian District)
(1896 Roll, Page 87, #1550, John T. Petty, Canadian District)

Q You now say you were married three times? A Yes sir.
Q What is the name of your second wife? A Annie L. Alberty.
Q Was she a Cherokee or white woman? A White woman.
Q When were you married to her? A I disremember the exact date.
Q About how long ago? A About five years ago.
Q How long did you live with her? A About five months.
Q Were you ever divorced from her? A No sir, she died.
Q You live with her up to the time of her death? A Yes sir.

Commission: The applicant applies for the enrollment of himself and one child as citizens by blood of the Cherokee Nation, and for the enrollment of his wife as a citizen by intermarriage of the Cherokee Nation. He is identified upon the authenticated roll of 1880 and upon the census roll of 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life, and will be listed for enrollment as a citizen by blood.

As to the application he makes on behalf of his wife; he avers that he is married seven or eight years ago to one, Keith R. Brannon, a white woman; that he lived with her about six weeks; he avers that he was never lawfully divorced from his former wife; he also states that he was married to one, Annie L. Alberty, a white woman about five years ago, and that he lived with her up to the time of her death. On the 21st of September, 1897, he was married to his present wife, Emily Ann Petty, without having secured a divorce from his first wife; by his last marriage, he has one child, George W. Petty; he avers also that the parents of his wife applied for the Cherokee National Authorities for enrollment as citizens of the Cherokee Nation, but that their application was denied, and that she has never been recognized as a citizen of the Cherokee Nation. Her marriage in September, 1897 was too late for her to acquire a property right in the Cherokee Nation; Therefore, the application which is made in her behalf for enrollment as a citizen by intermarriage of the Cherokee Nation is REJECTED.

As to the application he makes on behalf of his child, the mother of this child is a white woman; the father of the child was previously married to one, Keith R. Brannon, but never divorced from her. For this reason, the child George W. Petty, his child by this third wife, to whom he was married in 1897, will be listed for enrollment

as a citizen by blood, when he files with the Commission satisfactory proof as to the birth of this child, upon what is known as a doubtful card. When final judgment is rendered in the matter of the application he makes in behalf of his child, George W. Petty, the applicant will be notified in writing at his present Postoffice address.

The undersigned, being sworn, states that stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Grauwel

Subscribed and sworn to before me this 16th day of January, 1902.

COMMISSIONER.

1047

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901

ACTING CHAIRMAN

R

C. D-1047

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of John T. Petty for the enrollment of GEORGE W. PETTY as a Cherokee citizen.

Appearances:
John T. Petty, father of George W. Petty;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: John T. Petty was notified that the application of his son, George W. Petty for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 15th day of March,1902. Receipt has been acknowledged of the Commission's letter, and the said John T. Petty, this day appears in person.

JOHN T. PETTY, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A John T. Petty.
Q How old are you? A 29 years old.
Q What is your post-office address? A Bennett.
Q Are you the father of George W. Petty? who was an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q Any statement you desire to make relative to the enrollment of uour child? A No sir, all the statement I have is what I have sworn to.
Q You submit the case in behalf of your child to the Commission for final consideration? A Yes sir.

BY COMMISSION: John T. Petty, in behalf of his child, and the representative of the Cherokee Nation present submit the case to the Commission; same is deemed completed and will be reported to the Commission for final decision, based upon the evidence now of record.

------o-------

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

D 1047 105.

Cherokee D 1047.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John T. Petty for enrollment of his son, George W. Petty, and his daughter, Rachel Mayes Petty, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 17, 1901 John T. Petty appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment, among others, of his son, George W. Petty, as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory March 15, 1902, and affidavits as to the birth of Rachel Mayes Petty were filed March 20, 1902.

The evidence shows that the applicants, George W. Petty and Rachel Mayes Petty, are the children of said John T. Petty, who is a Cherokee by blood and identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 censes roll. The applicants are too young to be on any roll, but are identified by birth affidavits on file with the Commission. Said John T. Petty has been married three times and his children, George W. Petty and Rachel Mayes Petty, were born of the last marriage. He was not divorced from his first wife and there is no proof that she was dead at the time of his marriage to his present wife, Emily A. Petty, nee Brown, on September 21, 1897.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

> "All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The evidence further shows that said John T. Petty, father of the applicants, has been a resident of the Cherokee Nation all of his life, and that the applicants have resided therein with their father since their birth.

It is, therefore, the opinion of this Commission that George W. Petty and Rachel Mayes Petty should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21, Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner

Commissioner.

Muskogee, Indian Territory,
This SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON C. ADAIR
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1047.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of John T. Petty for the enrollment of his two minor children, George W. Petty and Rachel Mayes Petty, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 105.

D 1047

Decision

[illegible] OF

[illegible]

[illegible] testimony [illegible] 1902

[illegible] application [illegible] 1902

Affidavit of birth [illegible]

[illegible] 5/15/02

[illegible]

[illegible] 1573

[illegible] 518

~~D 765~~

Cher D 1048

Cher D 1048

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 18th 1901.

In the matter of the application of James Barnett, for the enrollment of himself and four children as Cherokee citizens. He being duly sworn, testified as follows before the Commission:

Q What is your name? A. James Barnett.
Q How old are you? A. I dont know my age exactly, I am 44 about.
Q What is your post office address? A. Siloam Springs, Ark.,
Q Do you apply for anyone besides yourself? A. Myself and children.
Q How many children? A. Four.
Q Don't apply for a wife? A. My wife is dead.
Q Are you a Cherokee by blood? A. I guess I am, my mother always claimed to be a Cherokee, but it is in dispute.
Q Do you claim your Cherokee Nation citizenship through your marriage to your wife? A. Yes sir.
Q What district do you live in? A. I was born and raised in Going Snake District.
Q You have not been outside of the Territory within the last three years for any purpose? A. No sir.
Q What is your father's name? A. John.
Q What is the name of your mother? A. Nancy.
Q Is your father living? A. No sir.
Q Is your mother living? A. No sir.
Q What is the name of your wife? A. Eliza, she is dead.
Q When did she die? A. She died about—— been dead 12 or 13 years.
Q Was she a Cherokee by blood? A. Yes sir.
Q About what degree of Cherokee blood did she claim to have? A. About 3/4.
Q What was the name of her father? A. Jim Still.
Q Is he living? A. No sir.
Q What was the name of her mother? A. Susie Still
Q Is she alive? A. She is living.
Q Is she a Cherokee by blood? A. Cherokee.
Q What is the name of your oldest child? A. Marguerite, she has done enrolled.
Q Give me the name of your oldest child under twenty-one and unmarried A. George.
Q Not married? A. No sir.
Q How old is he? A. Twenty years old.
Q Name of the next one? A. Benjamin
Q How old is he? A. Eighteen years old.
Q Next child? A. John.
Q How old is John? A. Fourteen.
Q Next child? A. That's all.
Q Are these children all alive and living with you at the present time? A. Yes sir.
Q Is your wife Eliza the mother of all these children? A. Yes sir.
Q Were all these children born in the Cherokee Nation? A. Yes sir.
Q And lived there all their lives? A. Yes sir.
Q When were you married to your wife Eliza? A. 1872.
Q Your name is on the authenticated roll of 1880 then? A. Yes sir.
Q Were you ever married before your marriage to Eliza? A. No sir.
Q Was she ever married before she married you? A. No sir.
Q Did you live with her continuously until her death? A. Yes sir.
Q Have you married since her death? A. Yes sir.
Q What is the name of your present wife? A. Mattie Logsin, she is a white woman.
Q She is not a recognized citizen of the Cherokee Nation by blood? A. No sir.
Q When were you married to her? A. About three years ago.
Q Is she living at the present time? A. Yes sir.

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BEST AVAILABLE COPY

Q Any children by her? A. Yes sir.
Q What are their names? A. Charley and Andrew.
Q You don't apply for these two children? A. No sir.
Q Did you ever draw money from the Cherokee Nation? A. Yes sir.
Q When? A. Before I was married; and after I was married I moved out of Goingsnake district and moved into Delaware district, and while I was living there I offered to vote and they objected to my voting because they said that I had not been married according to the Cherokee law, I then went down to Goingsnake where I had been raised and saw the Clerk and got a license and signers and was remarried , and after that they would not let me draw money.
Q Have you that marriage license with you? A. I have them at home; I forgot them when I came here.
Q Then after you were remarried you we e never recognized as a Cherokee by blood? A. No sir.
Q. You claim to be an adopted citizen now? A. Yes sir.
Q Don't claim to be a Cherokee citizen by blood ? A. I claim it but it is in dispute.
Q You didn't draw money in 1894 or yourself? A. No sir.
Q How long was it before you was married that you drew money for yourself? A. About a year.
Q About 1878? A. Yes sir.
Q Since that time you have never drawn any? A. No sir.
Q Only drew that one time? A. Yes sir.

By Cherokee Representative, Cale Starr-

Q What payment was it that you drew in in 1878? A. They called it "Bread Money"—— Somewhere along about there.
Q Are you sure that it was before 1883? A. Just a while before I was married, it was 1879, I think it was, that I was married.
Q Have you your license where you married your first wife? A. No sir not with me, I forgot them.
Q Who was it that issued you your License? A. Jack Wright
Q What was he? A. Clerk of Goingsnake district.
Q Did you get a list of signers and get married as a white man? A. Yes sir.

By the Commission-

Q When did you secure this license to remarry your wife—what year? A Just a short time after I was married.
Q Was it before 1880? A. It was before .

1880 roll, page	326,	No. 290,	Jim Barnett, Delaware district, Native C.		
1880	326	291	Eliza Barnett,	"	"
1896	438	333	George Barnett	"	"
1896	438	334	Benjamin Barnett,	"	"
1896	438	335	John Barnett,	"	"

Q Did you apply to the Cherokee tribal authorities in 1896 for enrollment? A. Yes sir, I went and enrolled in Delaware district, in Beck's Preginct
Q Do you know whether they enrolled you? A. I dont know.
Q You were not married to your present wife at that time were you? A Yes I re kon I was.
Q You said awhile ago you were married to her about three years ago. A I think it was.
Q Have you any evidence of your marriage to your white wife? A. I have it at home, went to Bentonville and got them, they claimed there was no way here to get them.
Q Did you ever apply to the Dawes Commission for enrollment? A. Not before.
Q You did not apply in 1898? A. When they came round and taken the census I enrolled. I dont know whether it was the Dawes Commission

* * * The applicant applies for the enrollment of himself as a Cherokee citizen by inter-marriage, and for the enrollment of three children as citizens of the Cherokee Nation by blood. He is identified on the authenticated roll of 1880 as a native Cherokee. He avers that he is a Cherokee by blood but has never bee so recognized by the Tribal authorities. He states that he was married in 1889 to his former wife, Eliza; she is identified on the 1880 roll as a native Cherokee, and as the wife of the applicant. He lived with her up until the time of her death about twelve or thirteen years ago. He avers that previous to his marriage he participated in one payment made by the Cherokee Nation, but since his marriage the Nation has refused to allow him to draw annuities as a native Cherokee would. He also states that about a year after his marriage he was remarried to his wife according to the laws and customs of the Cherokee Nation, but does not file any license. He will be required to file with the Commission the license showing that he was married to his Cherokee wife in accordance with the laws and customs of the Cherokee Nation. He states that about three years ago he was married to one Mollie Longin a white woman, and that as a result of this last marriage he has two children, Charley and Andrew Barnett, for whom he does not make application. His last wife was a white woman and he does not present any license as to his marriage to her. For the reason that he does not claim to be a Cherokee citizen by blood, and for the reason that he has, since the death of his Cherokee wife, married a white woman, he will now be listed for enrollment upon a doubtful card, as a Cherokee citizen by inter-marriage and when final judgment is rendered he will be notified at his present postoffice address, in writing. As to the application which he makes for on behalf of his three children, the mother of these children is identified on the authenticated roll of 1880 as a native Cherokee; the three children are identified on the census roll of 1896 as native Cherokees, they are living; they have lived in the Cherokee Nation all their lives, and they will be listed for enrollment as citizens by blood of the Cherokee Nation.

* *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Chas von Weise

Subscribed and sworn to before me this the 18th of January, 1901.

Commissioner.

1048

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901

ACTING CHAIRMAN

A COPY OF THIS RECORD WILL BE FILED WITH THE APPLICATION OF JAMES BARNETT, THIS DAY TAKEN. D-1048.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 18th 1901.

In the matter of the application of Jesse Barnett for enrollment as a Cherokee citizen. He being sworn before Commissioner Breckinridge, testified as follows:

Q What is your name? A. Jesse Barnett.
Q How old are you? A. 22.
Q What is your post office? A. Siloam Springs, Ark.
Q In what district do you live? A. Delaware.
Q Who do you want to have enrolled, just yourself? A. Yes sir.
Q Are you a Cherokee by blood? A. Yes sir.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.
Q Give me the name of your father? A. James Barnett.
Q Is he dead? A. No sir.
Q Give me the name of your mother? A. Eliza.
Q Is she dead? A. Yes sir.

1880 roll, page 326, No., 293, Jessee Barnett, Delaware district.
1896 " 438 " 332 Jesse Barnett, " "

The applicant is identified on the 1880 and 1896 rolls as a native Cherokee; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

SUPPLEMENTAL-

(Examination conducted by J. L. Baugh, Cherokee Representative)

Q Is the William Barnett, who was here just before you, your father? A Yes sir.
Q Is he a white man or a Cherokee? A. White man.
Q They know him as a white man all over the country where you live dont they? A. Yes sir.
Q He has no Cherokee blood in him at all has he? A. No sir I guess not.
Q You claim your Cherokee blood through your mother? A. Yes sir.

* *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise.

Subscribed and sworn to before me this the 18th of January, 1901.

D. H. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
JAN 21 1901

ACTING CHAIRMAN.

R

C. D-1048

Department of the Interir,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of James Barnett for enrollment as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March,1902, and that on said date he would be permitted to appear either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application.

On this 15th day of March,1902, applicant having been called, and failing to respond either in person or by attorney, this case is deemed completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

D1048

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Barnett for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 18, 1901 James Barnett appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory January 18, 1901 and March 15, 1902.

The evidence shows that the applicant was married to Eliza Still, a Native Cherokee, in accordance with the laws of the Cherokee Nation on the 10th day of August, 1879, and that he lived with her continuously as her husband until her death; that he and his wife, Eliza Barnett, nee Still, are identified on the 1880 authenticated tribal roll of the Cherokee Nation; that in the year 1898 he married one Mellie Loggins, a white woman, who is his present wife.

Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee Laws."

Section 606 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

> "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee Citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

It is, therefore, the opinion of this Commission that the application of James Barnett for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUL 16 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1048.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of James Barnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Inc. H-12.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1048.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of James Barnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

Acting Chairman.

Decision. D 1048

IN THE MATTER OF THE APPLICATION OF

[illegible] C. Burnett

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Jan 18 1901
Name of applicant Jan 18 1901
Additional testimony Jan 18 1901
Marriage license and certificate.

Notice of final revocation, 3/15/02

Transferred to R-714

Cher D 1049

Cher D 1049

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January 18th 1901.

In the matter of the application of Samuel S. Cobb for the enrollment of himself, wife and three children as Cherokee citizens. He being sworn before Commissioner Breckinridge, testified as follows:

Q What is your name? A Samuel S. Cobb.
Q How old are you? A 35.
Q What is your post office? A Wagoner.
Q What district do you reside in? A Cooweescoowee.
Q Who do you want enrolled? A Myself, wife and three children.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q White woman? A Yes sir.
Q Have you lived in the Cherokee Nationall your life?
A No sir, I was raised in the Cherokee Nation; I am living in Wagoner now.
Q In the Creek Nation? A Yes sir.
Q How long have you been living in the Creek Nation? A Ten years.
Q Where have you lived the balance of your life?
A In the Cherokee Nation.
Q What occupation are you in now? A Cattle business for three years and previous to that in the drug business.
Q Have you ever voted in the Creek Nation?
A No sir, only in town elections.
Q Have you intended to keep up your citizenship in the Cherokee Nation?
A Yes sir, have had a farm in the Cherokee Nation always.
Q Never considered yourself a citizen of the Creek Nation at al?
A No sir.
Q When did you begin the cattle business there? A Summer of '97 it will be three years this summer, that would make it summer of '98.
Q Down to that time you had kept house in Wagoner and had your family there? A Yes sir.
Q Give me the name of your wife? A Carrie H.
Q How old is she? A 31.
Q When did you marry her? A May 4th 1892.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Have you a certificate of your marriage? A Yes sir.

The applicant presents an official copy of a marriage license issued to him, May 3rd 1892 by the Probate Judge of Riley County Kansas, authorizing marriage between himself and Carrie K. Hunter. The certificate shows that they were united in marriage on the day following by the Rev. D. C. Milner. This is filed herewith.

Q Has your wife lived with you ever since she married you? A Yes sir
Q You have resided in the Creek Nation ever since you married your wife have you? A Yes sir.
Q Give me the names of your children? A Phil Hunter Cobb.
~~Q How old is that child? A He is five years olf.~~
Q The next child? A Paul P. Cobb.
Q How old is he? A He is three.
Q The next child? A Samuel S. Jr.
Q How old is that child? A Eight months old.
Q These children are living at this time, are they? A Yes sir.
Q All born at Wagoner? A Yes sir.
Q Give me the name of your father? A Joseph B.

Q He is dead, is he? A Yes sir.
Q Give me the name of your mother? A Eveline.
Q Is she dead? A No sir.
Q Your wife's maiden name was Hunter, was it? A Yes sir.

1880 roll, page 85. No. 662, Sam S. Cobb, Cooweescoowee district.
1896 roll, page 124, No. 733, Samuel S. Cobb, "
1896 roll, page 298 No. 188, Carrie K. H. Cobb, Cooweescoowee dist.
1896 124 734 Phill H. Cobb. "

. . . The applicant applies for the enrollment of himself, his wife, and three children. He is identified on the 1880 and the 1896 rolls as a native Cherokee. He states that he has lived in the Cherokee Nation except for the past ten years, when he has lived in the town of Wagoner in the Creek Nation, and that during the summer of 1898 he was engaged in the drug business at that place, and that since some time during the summer of the same year he has been engaged in the cattle business in the Cherokee Nation, but his residence has continued in the Creek Nation. He states that he has never voted in National elections of the Creek Nation and has so voted in the Cherokee Nation and has always regarded himself as a Cherokee citizen. He will now be listed ~~for~~ as a Cherokee by blood, but for the further consideration of his right in connection with the Curtis Law, section 21, which provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship : " The present listing will be on a doubtful card and the final decision will be made known to the applicant at his post office address.

He is shown to have married his wife on May 4th 1898, the license and certificate are filed herewith. She is a white woman, neither was previously married, and she has lived with him ever since their marriage. She will be listed now for enrollment on the card with her husband, as a Cherokee by adoption.

Of the three children named in the testimony, the oldest, Phil Hunter Cobb, is duly identified on the 1896 roll, he is living and will be listed for enrollment as a Cherokee by blood on the card with his parents. When certificates of birth of the two younger children, Paul P. and Samuel S. Jr., are filed with the Commission, these children also will be listed for enrollment as Cherokees by blood on the card with their parents.

""

Chas. von Weise, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) Chas. von Weise

Subscribed and sworn to before me this the 19th of January, 1901.

(signed) T.B.Needles
Commissioner.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing and that the same is a true and correct copy of the original.

Maurice E. Weise

Sworn to and subscribed before me this 17th day of April, 1903.

Edward Merrick
Notary Public.

R

C. D-1050

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Sarah Fox for enrollment of her children as Cherokee citizens.

Appearances:
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter on February 27, 1902, that her application for the enrollment of her children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March, 1902.

On this the 15th day of March, 1902, applicant having been called, and failing to respond, either inpersoner by attorney the case is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D. 1049

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 26, 1902.

In the matter of the application of Samuel S. Cobb for the enrollment of himself and children, Phil H., Paul P., and Samuel S. Cobb Jr., as citizens by blood, and for the enrollment of his wife, Carrie H. Cobb, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Samuel S. Cobb.
Q What is your age at this time? A Thirty-six.
Q ~~What is your~~ Post office? A Wagoner.
Q Are you the same Samuel S. Cobb that applied to this Commission in January 1901, for the enrollment of yourself, wife and children as citizens of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Carrie H. Cobb. Her name was Carrie K Hunter; she dropped the "K" and carried the "H".
Q Is your wife a citizen by blood? A No sir.
Q She is by intermarriage? A Yes sir.
Q Were you ever married previous to your marriage to this wife?
A No sir.
Q Was she ever married previous to her marriage to you? A No sir.
Q When were you and she married? A May 4, 1892.
Q Where were you married? A Manhattan, Kansas.
Q Where have you lived since your marriage to your wife?
A At Wagoner.
Q Has she lived with you at Wagoner? A Yes sir.
Q Have you and she lived together continuously from the time of your marriage until the present time? A Yes sir.
Q She has never married any other man since her marriage to you?
A No sir.
Q Living together now are you? A Yes sir.
Q Never have separated? A No sir.
Q Is your wife, Carrie H., and your children Phil H., Paul P. and Samuel S. Jr. living now? A Yes sir.
Q Have these children always lived in the Cherokee Nation?
A They have always lived with us in Wagoner.
Q They have lived in the Indian Territory?
A Yes sir, in the Creek Nation, Wagoner.

The undersigned being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) E. G. Rothenberger.

Subscribed and sworn to before me this 9th day of October, 1902.

(signed) B. C. Jones

(Seal)

Notary Public.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Mattie E. DeWair

Sworn to and subscribed before me this 17th day of April, 1903.

Edward Merrick
Notary Public.

-----MARRIAGE LICENSE-----

Riley County, State of Kansas, May 3, A.D., 1892.

To any Person Authorized by Law to Perform the Marriage Ceremony, Greeting:

YOU ARE HEREBY AUTHORIZED TO JOIN IN MARRIAGE:
Samuel S. Cobb of Wagoner, I.T., aged 26 years, and Carrie K. Hunter of Manhattan, aged 22 years, and of this license you will make due return to my office within thirty days.

John A. Robertson,
Probate Judge.

(Seal)

CERTIFICATE OF MARRIAGE.

State of Kansas, County of Riley, ss.
I, D. C. Milner, do hereby certify, that, in accordance with the authorization of the within License, I did, on the 4th day of May A.D. 1892 at Manhattan in said County, join and unite in Marriage the within-named Samuel S. Cobb and Carrie K. Hunter.
WITNESS my hand and seal, this day and year above written.

D. C. Milner,
Min. of the Gospel.

Attest: John A. Robertson,
Probate Judge.

CERTIFICATE OF COPY--Probate Court. No. 157.

State of Kansas, Riley County, ss:

I, A. M. Story, Probate Judge and Ex-Officio Clerk of the Probate Court in and for the County and State aforesaid, hereby certify the foregoing to be a true copy of the Marriage License and the return thereon in the matter of the marriage of Samuel S. Cobb and Carrie K. Hunter as appears of record and now on file in this Court.
WITNESS my hand this 9th day of Jan'y., 1901.

A. M. Story,
Probate Judge.

I, the undersigned, a stemographer of the Commission To The Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of a certified copy on file in the Office of the Commission.

Isabel F. Maxwell

Cherokee D. 1049.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel S. Cobb for enrollment of himself and his children, Phil H. Cobb, Paul P. Cobb and Samuel S. Cobb, Jr., as citizens by blood of the Cherokee Nation, and for enrollment of his wife, Carrie H. Cobb, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 18, 1901, Samuel S. Cobb appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment of himself and his children, Phil H. Cobb, Paul P. Cobb and Samuel S. Cobb, Jr., as citizens by blood of the Cherokee Nation, and for enrollment of his wife, Carrie H. Cobb, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on September 26, 1902.

The evidence shows that the applicant, Samuel S. Cobb is a Cherokee by blood and is identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll; that he was lawfully married to Carrie H. Cobb, nee Hunter, a white woman, on May 4, 1892; that said Carrie H. Cobb and the child, Phil H. Cobb, are identified on the 1896 census roll. The other children, Paul P. Cobb and Samuel S. Cobb, Jr., are too young to be on any roll, but are identified by birth affidavits made a part of the record herein.

The evidence further shows that the applicant, Samuel S. Cobb, has resided in the Cherokee Nation all his life, except the last ten years, during which time he has been a resident of the Creek Nation, Indian Territory; that he and the said Carrie H. Cobb have lived together continuously as husband and wife in the Creek Nation in said Territory since their marriage up to and including September 1, 1902; that their minor children, the said Phil H. Cobb, Paul P. Cobb and Samuel S. Cobb, Jr., have lived with their parents in the Indian Territory since their birth.

It is, therefore, the opinion of this Commission that Samuel S. Cobb, Phil H. Cobb, Paul P. Cobb and Samuel S. Cobb, Jr., should be enrolled as citizens by blood of the Cherokee Nation, and that Carrie H. Cobb should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____

_____

_____

_____

Dated at Muskogee, I. T.,

this _____

Cherokee D. 1048.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel S. Cobb for enrollment of himself and his children, Phil S. Cobb, Paul M. Cobb and Samuel S. Cobb, Jr., as citizens by blood of the Cherokee Nation.

[illegible]

[illegible] record in this case [illegible] t o [illegible], [illegible], Samuel S. Cobb appeared before the Commission at Muskogee, Indian Territory, [illegible] personal application for enrollment of himself and his children, Phil S. Cobb, Paul [illegible] Cobb and Samuel S. Cobb, Jr., as citizens by blood of the Cherokee Nation. Testimony was taken in the matter of said application [illegible] at Muskogee, Indian Territory, on September 26, 1907. The application also included Orpha [illegible] Cobb for enrollment as a citizen by inter-marriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not enrolled in this decision.

The evidence shows that the applicant, Samuel S. Cobb, is a Cherokee by blood and is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and the Dawes roll; that he was lawfully married to Carrie S. Cobb, now Carrie [illegible], on May 2, 1897. Phil S. Cobb is identified on the Cherokee census roll of [illegible]; the other children, Paul M. Cobb and Samuel S. Cobb, Jr., are too young to be on any roll, but are identified by their affidavits [illegible] part of the record herein.

The evidence further shows that the applicant, Samuel S. Cobb, has resided in the Cherokee Nation all his life, except the last two years, during which time he has been a resident of the Creek Nation, Indian Territory, so that his [illegible], the said Phil S. Cobb, Paul M. Cobb and Samuel S. Cobb, Jr., were living in the Indian Territory [illegible].

It is, therefore, the opinion of this Commission that Samuel S. Cobb, Phil S. Cobb, Paul M. Cobb and Samuel S. Cobb, Jr.,

POOR ORIGINAL -
BEST AVAILABLE COPY

should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this JUN 1 - 1903

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550

Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252

William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612

William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Motnce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030

George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Gora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hanks	7147
Otto J. Zufall	7149
Rufus M. Norman	7155
Mary F. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111

Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingslea	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oncico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464

Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319

Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820

Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee D 1049

Vinita, Indian Territory, January 28, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to the list of Cherokee cases held for further testimony, forwarded with the Commission's recent letter, the following note appears thereon as to case D 1049, Samuel S. Cobb: "Ready when supplemental testimony taken September 26, 1902, is filed."

The original copy of this testimony is enclosed herewith.

Respectfully,

Clerk in Charge.

Encl-S-76
GRS

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1049.

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Samuel S. Cobb for the enrollment of himself and his three minor children, Phil H., Paul P. and Samuel S. Cobb, Jr., as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file sich protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner inCharge.

Enc. H-4.

Tahlequah, Indian Territory, September 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original cards and jackets in Cherokee cases:

D- 82	D- 648
D- 103	D- 786
D- 169	D-1029
D- 262	D-1049
D- 486	D-1146.

The Commission has heretofore rendered decisions granting the applications of some of the applicants in each case. The applicants embraced in the Commission's decisions have been transferred as shown by notes on the cards, and the original cards and jackets are returned herewith for the preparation of decisions as to the remaining applicants.

Respectfully,

Clerk in Charge,
Cherokee Land Office.

Encl-S-35
GRS

Cher. N 1049

Muskogee, Indian Territory, January 10, 1907.

Carrie R. Cobb,

Wagoner, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D .

Commissioner.

CherokeeD1049

Muskogee, Indian Territory, march 14, 1907.

Carrie H. Cobb,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejectingthe application for your enrollment as a citizen by intermarriage of the Cherokee Nation,was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

D 1049

Decision

Samuel S. Kobb

Original test. [illegible]

Date of application Jan 1[illegible] 90

Marriage [illegible] certificate.

Affidavit of heirs Samuel S. Kobb.

Transferred to [illegible] 10277

Cher D 1050

Cher D 1050

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 18th 1901..

In the matter of the application of Samuel S. Sanders for the enrollment of WILLIAM FOREMAN as a Cherokee citizen. He having been sworn before Commissioner Breckinridge, testified as follows-

Q What is your name? A. Samuel S. Sanders.
Q How old are you? A. 28.
Q What is your post office? A. Braggs.
Q What district? A. Illinois.
Q Who do you want to have enrolled? A. William Foreman.
Q How old is he? A. Between 16,17 and 18 .
Q What proportion of Cherokee blood has he? A. Nearly a full blood.
Q Is he living with you in your family? A. With my mother.
Q Is his father alive? A. Yes sir.
Q Is his mother alive? A. No sir dead.
Q He is being brought up by your mother A. Yes sir.
Q What is the name of your mother? A. E. B. Sanders; sometimes called Kate.
Q Give me the name of the father of this child? A. Ave Foreman.
Q How old is he? A. Over 40.
Q Has he lived in the Cherokee Nation all his life? A. Ever since I have known him he has.
Q How long have you known him? A. Ten years
Q Is he white? A. No sir Cherokee; speaks the Cherokee language.
Q Give me this boys mother's name? A. Sallie McCoy was her name before she was a Foreman.
Q Was she a Cherokee woman ? A. Yes sir.
Q How long has she been dead? A. About ten or twelve years.
Q Her maiden name was McCoy? A. Yes sir.
Q Did you know the name of her father and mother? A. No sir, she was a sister to Elic McCoy.
Q Full sister to him? A. I dont know that, but he recognizes her as his sister.
Q You dont know when she married Foreman? A. No sir.
Q What proportion of Cherokee blood did she have? A. Full blood.
Q Did she live in the Cherokee Nation all her life? A. I cant say whether she did——think so.
Q Has this child lived in the Cherokee Nation all his life? A. Yes sir.
Q How old was Sallie McCoy when she died? A. I dont know sir.
Q Do you know anything about her family except Elix? A. No sir.
Q Was she older or younger than Elic? A. Cant say.
Q Ever hear of Nancy McCoy? A. No sir.

* * * The applicant applies for the enrollment of a minor child, William Foreman; ~~xx xx~~ whom he states is in the care of his mother and whose mother is dead. He states that his personal knowledge of the mother of this child is that she is a full blood Cherokee and that his father is perhaps a full blood. The mother is dead and the father is living, but he does not appear in connection with the present application. So far it has not been possible ~~xxx~~ after a careful search of the rolls to identify the child or his father or mother upon the roll. Giving the child, however, the benefit of all doubts, and assuming that he and his mother are enrolled under some other names which we cannot definitely identify at this time, he will be listed as a Cherokee by blood on a doubtful card to await further evidence of his own and his deceased mother's citizenship .

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Samuel S. Sanders 3.

Chas. W. Mc[illegible]

Subscribed and sworn to before me this the 19th of January, 1901.

[illegible]
Commissioner.

1050

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 21, 1901.

In the matter of the application for the enrollment of William Foreman as a Cherokee by blood.

Supplemental testimony on behalf of applicant.

Appearances:
Samuel S. Sanders, for applicant;
J. L. Baugh, representative of Cherokee Nation.

SAMUEL S. SANDERS, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Samuel S. Sanders.
Q How old are you? A 29.
Q What is your postoffice address? A Braggs.
Q Are you the Samuel S. Sanders who applied on January 16, 1901, for the enrollment of one William Foreman, a full blood Cherokee, about 17 years of age? A Yes, sir.

This child could not be identified at that time as being upon any of the tribal rolls of the Cherokee Nation; do you now desire to show that either the child or his father or mother have been listed for enrollment by the tribal authorities? A I think that I can show that he has been enrolled, him and his father; you see I used the name there of Ave Foreman, and I found later that Ave is the Cherokee name and his name, his English name would be Charles.

Q And you think his father is enrolled under the name of Charles Foreman? A Yes, sir.
Q Well, do you know whether his father was enrolled in 1880?
A No, sir, I don't know whether he was or not.
Q Do you know where his father was living at that time? A No, sir, I don't know where he was living.
Q Do you know whether he was in the Cherokee Nation? A I don't know whether he was or not, he might have been.
Q Do you know when this boy's mother, Sallie Foreman, died?
A No, sir.
Q What was her name before she married Foreman? A McCoy, so I have been told, she was Alex McCoy's sister, she may have enrolled with Alex McCoy.
Q Have you any idea what district she lived in at that time?
A No, sir, I don't, but these McCoys have been living in Illinois district as long as I can remember anything.
Q And she was the sister of Alex McCoy? A Yes, sir.
Q Do you know whether Sallie ever had any other children besides this William? A No, sir, I don't; these may have been in Sequoyah, or Flint, or probably Going Snake.
Q Have you any idea how old Sallie Foreman would be if she was living? A No, sir, I don't remember of ever having seen her.
Q Well, do you know whether she ever went by any other name other than Sallie? A I don't know that.
Q Has Charles Foreman been enrolled? A I think not.
Q Do you know whether this William Foreman ever had a wife named Betsy? A I don't know sir whether he ever had or not.
Q Do you know whether he ever had any children others than William?
A Yes, sir, he had several children.
Q What are their names? A There was Tom and was one Lucy, and I don't remember the names of the rest of them.
Q Were they older than William? A Yes, sir, Tom and Lucy was.

The 1880 authenticated roll of Cherokee citizens examined and the name of Charlie Foreman found thereon, page 697, No. 524, Sequoyah district, native Cherokee.

Q Are Lucy and William full brother and sister? A I think probably they are full brother and sister; Lucy, Tom and Will I think

are by his first wife.

Q And do you think Sallie is the mother of these three children?

A I don't know whether she is or not.

The 1896 census roll examined and the following names found thereon:

Charley Foreman on page 1068, No. 560, Sequoyah district;
William Foreman on page 1068, No. 563, Sequoyah district.

-----o-----

JOHN BROWN, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A John Brown.

Q How old are you? A About 54.

Q What is your postoffice address? A Vian.

Q Do you know Charley Foreman? A Yes, sir.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know his son William Foreman, a young boy about 17 years old? A I just know him when I see him is all.

Q How long have you known Charley Foreman? A Well he has lived right by me, I think I moved there in '67, from that time on.

Q Do you know whether he ever had a wife named Sallie or whether he ever lived with a woman by that name? A I think he lived with a woman by that name, Sallie McCoy, around there, but I don't know whether they were ever married.

Q Was she a Cherokee? A Yes, sir, part Creek and Cherokee.

Q Had she ever been recognized as a Cherokee? A Yes, sir.

Q Do you know whether she is living now? A No, sir, she is dead.

Q Do you know when she died? A No, I can't say, she has been dead a good long while.

Q Do you know whether her right as a Cherokee had ever been disputed? A No, sir, I think not.

Q Did you know her as much as 40 years ago? A Yes, sir.

Q Was she going by the name of McCoy at that time? A Yes, sir, I think about 20; that is the only name I ever heard, Sallie McCoy.

Q Did Sallie McCoy ever marry any man after she lived with Foreman? A I don't remember, there wasn't much marrying then days among the full bloods.

Q Do you know what Sallie's father's name was? A I know she was a sister to Alex and Sam McCoy.

Q About how old a woman would she be if she was living? A She would be about 40, something like that.

Q Was she living when the strip payment was made, that was 7 years ago? A I don't hardly think she was, I can't say; I think you will find her on the Illinois roll.

Q Was Alex older than his sister Sallie? A Yes, sir.

Q Were they full brothers and sisters? A I don't know whether they were or not.

The 1880 authenticated roll of Cherokee citizens examined and the name of Alexander McCoy found thereon, page 556, No. 1166, Illinois district.

Sam McCoy not identified on said roll.

Commission: It appears from the records of the Commission that on the 18th day of January, 1901, Samuels. Sanders applied for the enrollment of William Foreman, age about 17 years. Neither the child nor his parents could be identified on any of the tribal rolls in the possession of the Commission. From the testimony taken this day, the child's father is identified with a reasonable degree of certainty on the roll of 1880. His mother cannot be identified upon any of the rolls, but her brother, Alexander McCoy, is identified upon the roll of 1880.

The father of the said William Foreman is also identified upon the census roll of 1896, and William Foreman is likewise identified upon that roll. This testimony will be filed and considered in Cherokee doubtful card No. 1050.

Bruce O. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 21st of September, 1901.

~~Notary Public.~~
Commissioner

POOR ORIGINAL -
BEST AVAILABLE COPY

DEPARTMENT OF
COMMISSION TO
FILED
SEP 1901
ACTING CHAIRMAN

Cherokee D-1050

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 13,1902.

SUPPLEMENTAL TESTIMONY, in the matterof the application of William Foreman for enrollment as a Cherokee citizen.

Appearances:
Samuel S. Sanders, for the applicant, as a witness.

SAMUEL S. SANDERS, being sworn and examined by Commissioner Needles, testified as follows:

Q Whatis your name? A Samuel S. Sanders.
Q Are you the Samuel S. Sanders who applied for the enrollment of William Foreman? A Yes sir.
Q What was William Aforeman'a father's name?A Ave Foreman, was the name we knowed him by, but his real name was Charles.
Q Whatwas his mother's name? A Sallie.
Q Did William Foreman have any brothers or sisters or half brothers or sisters? A Yes sir.
Q What is the name? A He has a half brother named Thomas, then he has a half sister named Lucy.
Q Did you know William's mother? A No sir.
QYou did not?A No sir.
Q Is William Foreman a full blood? A Yessir, he is so consider, a full blood.
Q How long has he lived in the Cherokee Nation to your knowledge? A All his life, born and raised there.

BY COM'R NEEDLES: Upon examination of the rolls of 1880 the name of Charles Foreman is found on page 697, No.524, Charlie Foreman, Sequoyah District, native Cherokee, 26 years old;
With said Charles Foreman is found the name of 1880 authenticated roll, page 697, No.526, Lucy Foreman, Sequoyah District, native Cherokee, 18 months old.

Q Is Lucy Foreman living? A Yes sir.
Q Is she married? A She ismarried, but I don't know who she married.
Q You have heard the roll called here giving the enrollment of Charles Foreman and Lucy Foreman, are you satisfied that said Charles Foreman was the father of William Foreman? A Why from what I have heard around there I am satisfied thathe was the father of William.
Q And you know that Lucy Foremanwho waseenrolled with him is the child of Charles Foreman, and half-sister to William? A I am satisfied of it.
Q Do you know how long Sallie Foreman hasbeen dead, or whether she is dead or not?A Nosir, I don't.
Q You don't know whether she is dead or not? A I thinks he is dead
Q You have no knowledge as to whether she is living? A I am satisfied she is dead, I have heard people say so.
Q You know how long? A No sir.
Q You know whether this boy got the Strip money or not?A Yes sir, his fathergot the Strip money for him.
Q You know what districthe drew it in? A I think theywere enrolled in Sequoyah District, but I think he got his money in Illinois.
Q His father refuses to enroll him does he?A Yes sir, andrefuses to enroll himself.

1894 payroll of citizens of the Cherokee Nation exained for William Foreman and name not found.

Commissioner Needles: This testimony will be filed with Cherokee D 1050.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 15, 1902.

Commissionr.

CD 1050

IN THE UNITED STATES
FILED
JAN 31 1902
ARTHUR BRIGHAM

R

C. D-1050

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the applicatin of Samuel S. Sanders for the enrollment of WILLIAM FOREMAN, as a Cherokee citizen.

Appearances: W.W.Hastings, attorney for Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of William Foreman as a Cherokee citizen would be taken up for final consideration by the Commission on the 15th day of March,1902, at its offices in Muskogee, Indian Territory, and that he could on said day appear either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his said application.

On this the 15th day of March,1902, applicant being called and failing to respond either in person or by attorney, this case is deemed completed and will be reported to the Commission for final decision based upon the evidence now ofrecord .

------ ------

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in thiscase and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

D 1050

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 31 1902

D. 1052.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15, 1902.

In the matter of the application of Joseph Bruner et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-1052.

Cherokee Nation represented by W. W. Hastings.

J. C. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. C. Starr.
Q Are you stenographer for the Cherokee attorneys? A Yes, sir.
Q Did you make any effort to get service upon Joe Bruner, the applicant in this case? A Yes, sir, I did.
Q What did you do? A Sent a notice and a registered letter to his postoffice at Benge, I. T., and the postmaster informed me that Joe Bruner was dead, and he couldn't deliver the letter.
MR. HASTINGS: Come now the representatives of the Cherokee Nation and move to submit testimony in this case as to Joe Bruner's children for whom he made application for enrollment.
COMMISSION: The request of the Cherokee Nation will be entertained and the testimony heard.

W. W. WHEELER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. W. Wheeler.
Q How old are you, Mr. Wheeler? A I am between 54 and 55.
Q What is your postoffice? A Sallisaw, Indian Territory.
Q Did you know the applicant, Joseph Bruner, a colored man? A Yes, sir.
Q Did you know him before the war? A Yes, sir.
Q Who did he belong to when the war came up? A At the time the war came up he belonged to E. B. Bright.
Q Where was he living? A Fort Smith, Arkansas.
Q Was he a citizen of the state of Arkansas? A Yes, sir.
Q Not a citizen of the Cherokee Nation? A No, sir.
Q He had formerly belonged to your father? A Yes, sir.
Q And your father had sold him to Bright? A Yes, sir, but my father bought him from Mitchell Sparks.
Q But he had sold him before the war? A Yes, sir, sold him before the war.
Q About how long before thewar? A I believe he sold him in '60.
Q To E. B. Bright? A To E. B. Bright.
Q He was freed by E. B. Bright? A He ran off from E. B. Bright and he never was captured there.
Q He was his slave? A He was his slave.
COMMISSION: Was E. B. Bright a citizen? A Citizen of the state of Arkansas.
Q Wasn't a citizen of the Cherokee Nation? A No, sir.

Arthur G. Grominger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Grominger

Subscribed and sworn to before me this 13th day of May, 1968.

Notary Public.

POOR ORIGINAL -
BEST AVAILABLE COPY

COMMISSIONER OF
FILED
MAY 2 1902

D 1050 166.

Cherokee D 1050.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel S. Sanders for enrollment of William Foreman as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 18, 1901 Samuel S. Sanders appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment of William Foreman as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory on September 21, 1901 and at Muskogee, Indian Territory on January 13, 1902 and March 15, 1902.

The evidence shows that the applicant, William Foreman, is a minor; that he is a Cherokee by blood and is identified on the 1896 census roll; that his father, Charles Foreman, is identified on the 1880 authenticated tribal roll of the Cherokee Nation as a Native Cherokee, and on the 1896 census roll; that his mother, Sallie Foreman, nee McCoy, now deceased, was a Cherokee by blood; that she is not identified on any of the tribal rolls of the Cherokee Nation, but her brother, Alexander McCoy, is identified on said 1880 roll, as a Native Cherokee.

The evidence further shows that the applicant, William Foreman, has been a resident of the Cherokee Nation all of his life.

It is, therefore, the opinion of this Commission that William Foreman should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 30 1912

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1050.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Samuel S. Sanders for the enrollment of William Foreman as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 106.

Division

No 1050

IN THE MATTER OF THE APPLICATION OF

William [illegible]

[illegible]

CHEROKEE CITIZENS

Oral testimony Jan 18 1901

Motion of applicant Jan 18 1901

Trial [illegible] testimony Sept 21/01

[illegible] 13/02

Motion [illegible] consideration, 3/15/02

Cher D 1051

Cher D 1051

R-

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 19, 1901.

In the matter of the application of Thomas Watts for the enrollment of himself and wife as Cherokee citizens; he being sworn, and examined by the Commission, testified as follows:
Interpreter, S. Walkingstick.
Q What is your name? A Thomas Watts.
Q What is your age? A About 81 or 83.
Q What is your post office address? A Texana, I.T.
Q Do you apply for enrollment as a citizen of the Cherokee Nation by blood? A Yes sir.
Q For whom do you apply: for anyone else besides yourself? A Myself and wife.
Q Have you lived in the Cherokee Nation all your life? A I came from the old Cherokee Nation, and have lived here ever since coming here.
Q Are you a full blood Cherokee? A Yes sir, I think so.
Q Since coming to the Cherokee Nation, you have never made your home in any other place, have you? A Yes sir, I have lived in the Cherokee Nation all the time since then.
Q What is the name of your father? A Twowood Watts.
Q What is the name of your mother? A Ti-an-a Watts.
Q Were your father and mother both full blood Cherokees? A I couldn't say; they both died when I was small.
Q They were both Cherokees, were they? A Yes sir.
Q What is the name of your wife? A Mary Watts.
Q She's living, is she? A Yes sir.
Q How old is she? A She must be something near 70.
Q Is she a Cherokee by blood? A No sir.
Q White woman? A She's a half breed Creek.
Q Has she any Cherokee blood at all? A Not that I know of.
Q Is she recognized as a citizen of the Cherokee Nation, or citizen of the Creek Nation? A She has been recognized as a Cherokee citizen; we have been living together for a number of years.
Q How long have you been married? A We were married during the last of the Civil War.
Q What is the name of your wife's father? A Wadsworth.
Q Was he a Cherokee or white man? A He was a white man.
Q What is the name of your wife's mother? A Louvinia Wadsworth
Q She was a Creek Indian, was she? A Yes sir.
Q Your wife's parents are both dead? A Her mother is living; her father is dead.
Q Has your wife ever drawn any money from the Cherokee Nation?
A She only got the bread money payment.
Q She didn't draw money from the Cherokee Nation in 1894, did she?
A No sir.
Q Is her name on any of the Cherokee rolls? A I think so; the Census takers always come there and enrolled us.
1880 roll; page 58, #1551, Thomas Watts, Canadian district.
1880 roll; page 58, #1552, Mary Watts, " " (Adopted Creek)
1896 roll; page 80, #2026, Thomas Watts, Canadian district.
1896 roll; page 94, #3 2, Mary Watts, Canadian dist. (Adopted white)
Q Has your wife ever drawn any money from the Creek Nation? A I think she was allowed to draw. She was counted on the pay roll, but she didn't get the money herself. I think her sister drew for her, and used the money herself.
Q In 1890, ten years ago, did your wife draw any money from the Creek Nation? A I can't remember. I think she was enrolled before that payment in 1890; whether she got the money, I don't know.
Q Have you ever applied for her enrollment as a citizen of the Creek Nation? A No sir.
Q Have you and your wife been living together continuously since your marriage? A Yes sir.

Q Were you ever married before you married this woman? A Yes sir.
Q Was your first wife a Cherokee? A Yes sir, she was a Cherokee.
Q Was she dead before you married your present wife? A Yes, she was dead.

Commission-

The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife as a citizen by intermarriage of the Cherokee Nation. Q He is identified upon the authenticated roll of 1880 and the Census roll of 1896 as a native Cherokee. He came tothe Cherokee Nation when the Cherokees come here from the old Cherokee Nation, and has made it his home continuously since that time. He will be listed for enrollment as a citizen by blood. He avers that his wife is a Creek Indian; she is identified upon the authenticated roll of 1880 as an adopted Creek, and upon the Census roll of 1896 as an adopted white. He was married to his wife during the Civil war; they have been living together continuously since that time as man and wife. He states that his wife has not applie d for enrollment asa citizen of the Creek Nation, but that she has on several occasions drawn money from the Creek Nation. The application, therefore, that he makes in behalf of his wife, as a citizen of the Cherokee Nation, will be placed upon what is known as a doubtful card in order to give the Commission time to determine whether or not, the said Mary Watts ever drew annuities from the Creek Nation. When final judgment is rendered in her case, the applicant will be notified in writing at his present postoffice address.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full , true and correct transcript of his sten graphic notes in s id case.

E. C. Rothenberger

Subscribed and sworn to before me this 19th day of January, 1901.

Commissioner.

105

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 21 1901

ACTING CHAIRMAN.

R-

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 19, 1901.

Supplemental to go with the Card of Mary Watts ; D - 1031.
Application made by Thomas Watts.

By the Commission-

The Creek rolls in the possession of the Commission have been examined, and it appears that Mary Watts applied to the Commission for enrollment as a Creek citizen, and is enrolled on old Creek Census Card No. 3066. She is identified upon the 1890 roll on page 96, and on the 1895 authenticated roll, No. 492. At the time she made her application for enrollment as a citizen of the Creek Nation, she claimed that she was a Creek by blood, and was formerly a Wadsworth.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the order in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 19th day of January, 1901.

Commissioner.

D 1051

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 21 1901

ACTING CHAIRMAN

R

C. D-1081

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the applicationof MARY WATTS, for enrollment as a Cherokee citizen.

Appearances: W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee Indian Territory, on the 15th day of March,1902, and that on said datesho would be permitted to appear either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application.

On this the 15th day of March,1902, applicant having been called and failing to respond, either in person or by attorney, this case is deemed completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D 1051.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Watts for enrollment of his wife, Mary Watts, as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 18, 1901 Thomas Watts appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment of his wife, Mary Watts, as a citizen by blood of the Cherokee Nation. Said Thomas Watts is also included in said application, but is differently classified and not embraced in this decision.

The evidence shows that the applicant, Mary Watts, is a Creek by blood and has heretofore elected to be enrolled as a citizen of the Creek Nation.

The Eighth Paragraph of Section Twenty-One of the Act of Congress, approved June 28, 1898 (30 Stats.495), provides as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given allotment and distributions, and not elsewhere."

It is, therefore, the opinion of this Commission that the application for enrollment of Mary Watts as a citizen by bloodof the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby.
Acting Chairman.

(Sign) T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this DEC - 1 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1051.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Thomas Watts for the enrollment of his wife, Mary Watts, as a citizen of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-47.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1051.

Muskogee, Indian Territory, March 12, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, rejecting the application of Thomas Watts for the enrollment of his wife, Mary Watts, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 28, 1903.

Respectfully,

Chairman.

Decision — D 1051

Mary Orth

Original testimony, Jan. 19, 1903

Hearing of app't heard, Jan. 20, 1903

Supplemental testimony, Jan. 19, 1903

Motions, pending for consideration, 3/15/02

Decision in favor of [illegible]

Cher D 1052

Cher D 1052

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 19th, 1901.

IN THE MATTER OF THE APPLICATION OF William T. Watts for enrollment as a citizen of the Cherokee Nation, and he appearing before the Commission, and being sworn and examined, testified as follows:

BY THE COMMISSION:
Q What is your name? A William T. Watts.
Q How old are you? A Twenty five years old.
Q What is your Postoffice address? A Texanna.
Q Do you apply for enrollment as a citizen of the Cherokee Nation?
A yes sir.
Q Are you a citizen by blood? A Yes sir.
Q Do you apply for any one besides yourself? A No sir.
Q Are you living in the Cherokee Nation? A yes sir.
Q How long have you lived there? A Born and raised there.
Q What district are you living in? A Canadian.
Q Have you been outside of the Cherokee Nation within the past three years? A No sir - I have been in the Creek Nation, riding around over the country.
Q Never lived outside? A No sir.
Q What is the name of your father? A Tom Watts.
Q What is the name of your mother? A Mary Watts.
Q Your father and mother are both living? A yes sir.
Q Your father was a Cherokee by blood? A Yes sir.
Q Your mother is a Creek? A Yes sir.
Q Have you always been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Have you ever drawn money from the Creek Nation? A Yes sir.
Q When did you draw money from the Creek Nation?
A In the twenty nine dollar payment.
Q In 1890? A Yes sir.
Q Did you draw in the payment made in 1895 - fourteen dollars and some odd cents? A I think I did; I am not sure of that.
Q Have you ever applied to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation? A Yes sir.
Q Did they enroll you as such? A No sir.
Q When did you make that application? A Why, I believe when they were at Coweta in the Creek Nation.
Q That was in 1898, was it not? A I might have been enrolled: I was enrolled with my family, but they did not recognize me as a citizen of the Creek Nation.
Q You mean the Creek Nation does not recognize as you as a citizen, or the Commission? A No sir, the Dawes Commission does not.
Q Did they so notify you? A Yes sir, I have been up here two or three times trying to file as a Creek citizen, and they would not let me.
Q You have applied then here for allotment in the Creek Nation, have you? A Yes sir.
Q How long ago did you apply for allotment? A It was last summer.
Q Have you ever drawn any money from the Cherokee Nation? A Yes sir.
Q When? A I drew Strip money, and a little payment before that - I drew that if I was old enough.
Q Has the Cherokee Nation ever disputed your right to enrollment in the Cherokee Nation? A Not that I know of.
Q Have you always resided in the Cherokee Nation? A Yes sir.
Q You have never lived here in the Creek Nation?
A Nor sir, only went to school at Eufaula about six months.

(1880 Roll, Page 56, #1556, William Watts, Canadian D'st)
~~(1896 Roll, Page 80, #2228, William Watts, Canadian D'st)~~
(1894 Roll, Page 107, #2255, William Watts, Canadian D'st)

Q Have you ever exercised the right of suffrage in the Creek Nation: Have you ever voted at any of their elections? A No sir, never did.

Q You have always been recognized though by the Town King of Coweta Town as a member of his town, have you not? A Yes sir/
Q What is the name of your wife? A Her name is Anna Watts.
Q Is she a Cherokee or a Creek? A She's a Creek.
Q Have you any children by her? A Yes sir, one.
Q What is it's name? A Mary Watts.
Q Has her right to enrollment in the Creek Nation ever been disputed? A No sir, I guess not: She has done filed.
Q Did you apply in 1896 to this Commission for enrollment as a citizen of the Cherokee Nation A I applied as a citizen of the Creek Nation.
Q That was in 1896? - or was that two years ago, last summer?
A That was when the Commission first came here - when they were up here at Coweta.
Q That was in the summer of 1898? A Yes sir.
Q Your wife and child have taken allotment here in the Creek Nation, have they not? A Yes sir; I only had one child at that time: He is dead now: I have only one left.
Q Do you elect to be enrolled as a citizen of the Cherokee Nation, or as a citizen of the Creek Nation? A I prefer the Cherokee Nation now, since I could not enroll in the Creek Nation.
Q If your right to enrollment in the Creek Nation was not disputed, would you rather be enrolled as a citizen of that Nation, or as a citizen of the Cherokee Nation? A As a citizen of this Nation - Cherokee Nation.
Q Do you own any property in the Creek Nation? A No sir, nothing only my wife's and child's claim.
Q Do you own any property in the Cherokee Nation? A yes sir, I have a farm.

BY THE COMMISSION: The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation: He is identified upon the authenticated roll of 1880, the strip payment roll of 1894 and the census roll of 1896 as a native Cherokee. He was born and raised in the Cherokee Nation, and has lived there all his life? A His wife, Anna H. Watts is a Creek citizen by blood: They have one child, Mary Etta: His wife and her daughter have taken their allotment as citizens of the Creek Nation. On Febuary 21st, 1900, the applicant applied to the Commission to the Five Civilized Tribes for the enrollment of himself, wife and child as citizens by blood of the Creek Nation, and were listed upon New Creek Census Card No. 1663., and on April 20th, 1900, a certificate certifying that his wife, Anna H. Watts, and her daughter, Mary E. Watts, were citizens of the Creek Nation was issued:

The applicant, William T. Watts is identified upon the 1891 Omitted Roll of the Creek Nation, as Willie Watts, No. 635, Coweta Town: He states that he also drew money from the Creek Nation in 1895: For the reason that the applicant has been listed for enrollment as a citizen of the Creek Nation, and for the reason that he has also drawn money from the Creek Nation, he will now be listed for enrollment as a citizen of the Cherokee Nation, upon what is known as a doubtful card. When final judgment is rendered in his case, he will be only notified at his present Postoffice-address.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenograp his notes thereof.

Subscribed and sworn to before me this 19th day of January, 1901.

COMMISSIONER.

1052

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901

ACTING CHAIRMAN

R

C. D-1052

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of William T. Watts for enrollment as a Cherokee citizen.

Appearances: W.W.Hastings, attorney for Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March,1902, and that on said date he would be permitted to appear either by attorney or in person when an opportunity would be given him to introduce any additional testimony affecting his application.

On this the 15th day of March,1902, applicant having been called, and failing to appear either in person or by attorney, this case is deemed completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

21052

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 31 1902

Cherokee D 1052.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William T. Watts for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 19th, 1901 William T. Watts appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the applicant, William T. Watts, is a Cherokee by blood and is identified on the 1880 authenticated tribal roll of the Cherokee Nation. He is also identified on the 1896 census roll and the 1894 strip payment roll.

The evidence further shows that said William T. Watts has resided in the Cherokee Nation all of his life.

It is, therefore, the opinion of this Commission that William T. Watts should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28th, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this DEC - 1 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D 1052.

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of William T. Watts for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 13.

Accepted

D 105[illegible]

IN THE MATTER OF THE APPLICATION OF

William [illegible]

[illegible]

Original testimony Jan 19 1901

Memo of application Jan 19 1901

Notice given for consideration 3/15/02

Cher D 1053

Cher D 1053

DOUBTFUL AS TO APPLICANT.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 19th, 1901.

IN THE MATTER OF THE APPLICATION OF William M. Evans for the enrollment of himself and wife as citizens of the Cherokee Nation, and he appearing before the Commission, and being sworn and examined testified as follows:

BY THE COMMISSION:
Q What is your name? A William M. Evans.
Q How old are you? A I am about thirty eight.
Q What is your Postoffice address? A Muskogee.
Q Do you apply for any one else besides yourself? A My wife.
Q Any children? A No sir.
Q Do you apply as a Cherokee citizen by blood? A No, by adoption.
Q Your wife is a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim for your wife?
A About one sixteenth I think she says she has.
Q Are you living in the Cherokee nation? A Yes sir.
Q How far do you live from Muskogee? A About ten miles south east Brushy Mountain.
Q What district are you living in A Canadian.
Q How long have you lived there? A I have been living there about fifteen years.
Q Have you been outside of the Cherokee Nation within the past three years? A I have not been living out side; I might have been out.
Q You have never made your home any other place for the last fifteen years? A No sir.
Q What is the name of your father? A John Evans.
Q Is your father living? A No sir.
Q What is the name of your mother? A Mary Ann Evans.
Q Is your mother living? A Yes sir.
Q What is the name of your wife? A Kate or Catherine.
Q How do you desire to have her enrolled; as Kate or Catherine?
Q Why, either way; C. S. is her initials.
Q She's living? A Yes sir.
Q How old is she? A She's thirty.
Q What was her name before you married her? A Nicholson.
Q What is the name of her father? A David L. Nicholson I think she said.
Q Is her father living? A No sir, He's dead.
Q Was he a Cherokee or a white man? A Cherokee.
Q What is the name of your wife's mother? A Mary E. I think.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A No; white woman.
Q Where was your wife born? A In Alabama I think they say.
Q How long has she lived in the Cherokee nation?
A She has lived here ever since she was a small girl - came here - must have been twenty odd years ago.
Q Does her name appear on the roll of 1880? A I think so.
Q Do you know what district she was living in at that time?
A Canadian or Tahlequah one.
Q When were you married to her? A '90.
Q Have you any evidence of your marriage? A Yes sir.
Q Let me have it please sir? (Applicant hands paper to Commission)

BY THE COMMISSION: The applicant presents an affidavit from Thomas Carlile, certifying that while he was acting as deputy clerk under C. E. Vann, clerk of Canadian District, he issued a marriage license to William Evans, in the year 1890, to marry Miss Katy Nicholson, a Cherokee citizen; He states that he is unable to say that the license were ever used. This document is returned to the applicant.
Q Mr. Evans, this is simply an affidavit from former deputy clerk,

POOR ORIGINAL -
BEST AVAILABLE COPY

Thomas Carlile, stating that he issued this license to you, but he states that he does not know that it was ever used, or that you were ever married in accordance with the license issued. We can not file this document. It will be necessary for you to file with the Commission either your original marriage license, or a certified copy of the record. You can procure that at Tahlequah in the executive office?
A Well, Judge Lowry here married me: He knows they were issued.
Q We will have to have a certified copy of the license, or the original license and certificate: You are a white man. Were you ever married before you married your present wife? A I was not.
Q Was she ever married before she married you? A No sir.
Q You have lived together continuously since you were married?
A Yes sir.

(1880 Roll, Page 37, #1055, C. S. Evans, Cherokee District)
(1896 Roll, Page 87, #76, William M. Evans, Cherokee District)
(1896 Roll, Page 21, #576, Catherine Evans, Cherokee District)

Q Where were you living at the time of your marriage?
A Ten miles south east of here - Brushy Mountain.
Q Did Mr. Lowry marry you? A Yes sir.

HENRY C. LOWRY, being sworn and examined, testified as follows:
Q What is your name? A Henry C. Lowry.
Q What is your Postoffice address? A Muskogee.
Q You are a recognized citizen of the Cherokee nation, are you?
A Yes sir.
Q Are you acquainted with the applicant, William M. Evans?
A Yes sir.
Q Are you also acquainted with his wife ? A Yes sir.
Q How long have you known him? A I do not know: I have known his wife longer than I have him - about '72 somewhere - somewhere along there. I would not be sure, and I have known him - I can not tell just how long.
Q You know he is married to his present wife? A Yes sir, I married them.
Q Were you holding an official position in the Cherokee nation at that time? A Yes sir, District Judge.
Q And as such Judge, you were authorized to marry people, were you?
A Yes sir.
Q Do you know whether Mr. Evans procured a license from the district clerk? A Yes sir, he had a license: I could not marry him without the license.
Q You married him in accordance with that license? A Yes sir.

APPLICANT REMAINED:
Q What became of that license? A They were misplaced some way: I left them with Judge Lowry.
Q Do you know whether the license was ever recorded? A I do not know whether they was ever recorded or not: I left them with Judge Lowry and told him to send them back to have them recorded, and I have never seen them since.

Henry C. Lowry, recalled:
Q Mr. Lowry, did you have this license recorded? A Yes sir, I sent them to the clerk to have them recorded, but I do not suppose he recorded them.
Q You have examined the record and failed to find any record of this license? A Yes sir, I sent the license down to the clerk through mail after I married him.
Q Did you pay the clerk to have the same recorded? A He did, I suppose. By Applicant: I paid him ten dollars for the license when I got them: That's all.

Q Mr. Lowry, you have searched the record for his marriage license and certificate, have you not? A Yes sir.
Q And you failed to find them? A Yes sir, failed to find them at Tahlequah this Winter.

BY COMMISSION to applicant:
Q Is this man who issued you the license living? A Yes sir, he does not know anything about it, only he issued the license: He was deputy clerk under Charley Vann at the time.

BY COMMISSION: The applicant applies for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife as a citizen by blood: He is identified upon the census roll of 1896 as an adopted white: He avers that in the year 1890 he procured a license from the Cherokee Tribal authorities, and was married in accordance with said license. He does not produce any satisfactory evidence as to his marriage, and states that the marriage license and certificate have been misplaced or destroyed. It also appears that the marriage record in possession of the Cherokee Tribal authorities at Tahlequah has been examined and no record of this license is found. The applicant will be listed ~~upon a white card~~ for enrollment as a citizen by intermarriage, and for the present will be listed upon a white card. It will be necessary for him to bring before the Commission, if he can not procure a certified copy of the record, the deputy clerk who issued the license to him and also ~~x~~ C. E. Vann, to whom the marriage license was sent to be recorded:
His wife is identified upon the authenticated roll of 1880 and the census roll of 1896: She has lived in the Cherokee Nation almost all of her life, and will be listed for enrollment as a Cherokee by blood. The applicant states that neither he nor his wife had ever been previously married, and that they have been living together continuously since their marriage in 1890.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of January, 1901.

COMMISSIONER.

1053

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901

ACTING CHAIRMAN.

Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of William M. Evans for enrollment as a Cherokee citizen.

Supplemental testimony on behalf of the applicant.

Appearances:
Applicant present in person:
W. W. Hastings, Cherokee representative.

Thomas Carlisle, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Thomas Carlisle.
Q What is your age? A 38 years old.
Q What is your postoffice address? A Campbell, Illinois district.
Q Did you hold any official position in the Cherokee Nation in 1890? A Yes, sir.
Q What was it? A Deputy District Clerk.
Q What district? A Canadian district.
Q Are you acquainted with the applicant, William M. Evans?
A Yes, sir.
Q Well, state what you may know in regard to him having procured a marriage license about eleven years ago? A Well I was acting as Deputy Clerk of Canadian District under C. W. Vann, he was Principal Clerk, and Mr. Evans came to the office and applied for a marriage license, had his papers signed up properly, and I issued him his license.
Q His papers were properly signed? A Yes, sir.
Q And you issued him his marriage license? A Yes, sir.
Q According to the laws of the Cherokee Nation? A Yes, sir, according to the laws of the Cherokee Nation.
Q You know why there is no record of it? A No, sir, I don't.
Q Have you known him since that time? A Yes, sir, I have met him several times, not very often.
Q Is his wife living? A I can't say whether she is living now or not.
Mr. Hastings: You remember his wife's name? A Her name was Nichols I don't know her first name.

WILLIAM M. EVANS, recalled, testified:
Commissioner: What was your wife's name? A Nicholson before I married her.
Q Were you ever married before you married her? A No, sir.
Q Was she ever married before she married you? A No, sir.
Q Is she living now? A Yes, sir.
Q Have you lived with her continuously since you married her?
A Yes, sir.
Q Never had any separation? A No, sir.

Commissioner: This testimony will be filed in the case of the applicant.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 27th of September, 1901.

Tams Bixby
Commissioner

6W 1053

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901

ACTING CHAIRMAN.

R

C. D-1053

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of William M. Evans for enrollment as a Cherokee citizen.

Appearances: W.W.Hastings, attorney for Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 8 th day of March, 1902, when an opportunity would be given him to appear either in person or by attorney and present any additional testimony affecting his application.

On this the 15th day of March, 1902, the applicant having been called and failing to respond, either in person or by attorney, this case is deemed completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

D1053

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

ACTING CHAIRMAN

D-1053.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 19, 1902.

In the matter of the application of William M. Evans for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO D-1053.

APPEARANCES:
Applicant in person.
J. C. Starr for Cherokee Nation.

COMMISSION: The applicant in this case was notified by registered letter June 13, 1902, to appear before the Commission on or before July 1, 1902, and submit further evidence as regards his marriage to his wife, Catherine, in accordance with the laws and customs of the Cherokee Nation.

WILLIAM M. EVANS, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Evans.
Q What is your full name? A William M.
Q How old are you, Mr. Evans? A Well I am a little over 40 years old now.
Q What is your postoffice address? A Why Muskogee, always has been.
Q You are an applicant before the Commission for enrollment as a citizen by intermarriage? A Yes, sir.
Q What's the name of your wife? A Catherine Nicholson.
Q When were you married to her? A Married in '90, September.
Q Who married you? A Judge Henry Lowery.
Q Where were you living at that time? A Brushy Mountain, Canadian District, Cherokee Nation.
Q From whom did you procure your license authorizing your marriage? A Thomas Carlile.
Q What official position, if any, did he hold at that time? A Why he was deputy clerk.
Q What district? A Canadian District, under Charley Vann.
Q Did he issue a license under Cherokee law? A Yes, sir.
Q Who were some of your signers? A Why, Dr. Harris, Jim Cobb, Billy Vann, Collins Harris, Nick Blackstone, old man Joe Hildebrand.
Q Is there anybody now living who was present besides yourself and your wife when the ceremony of marriage was performed? A Yes, sir.
Q Have you and your wife continued to live together continuously since your marriage? A Yes, sir.
Q Living together at the present time? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Was she? A No, sir.
Q Have you exercised the right of suffrage as a citizen by intermarriage of the Cherokee Nation since your marriage? A Yes, sir.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Arthur G. Croninger
Subscribed and sworn to before me this 24th day of June, 1902.
H. F. Auter
Notary Public.

DEPARTMENT OF INTERIOR.
[illegible] CIVILIZED TRIBES
FILED
JUN 26 1902
[illegible] ACTING CHAIRMAN

Cherokee D 1053.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 11, 1902.

In the matter of the application of William M. Evans for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

WILLIAM M. EVANS, being sworn, testified as follows:

By the Commission,

Q What is your name? A William Evans.
Q Any middle name, Mr. Evans? A Yes, Marion.
Q William M. Evans, then? A Yes, sir.
Q What's your age at this time? A About forty.
Q Postoffice? A Muskogee.
Q Are you the same William M. Evans that made application to the Commission for enrollment as an intermarried citizen in January, 1901? A Yes, sir.
Q What's your wife's name? A Catherine C.
Q When were you married to your wife, Catherine C.? A 1890.
Q Were you married under Cherokee license? A Yes, sir.
Q Were you ever married before you were married to your wife, Catherine? A No, sir.
Q Was she ever married before her marriage to you? A No, sir.
Q You were her first husband and she was your first wife? A Yes, sir.
Q Is she living at this time? A Yes, sir.
Q Have you and she lived together continuously from the time of your marriage in 1890 up to the present time as husband and wife?
A Yes, sir.
Q You have never been separated? A No, sir.
Q You have never been married to any other woman? A No, sir.
Q You and she living together on the first day of September, 1902?
A Yes, sir.
Q How long have you lived in the Indian Territory? A For the last seventeen years.
Q All the time for the last seventeen years? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 22nd day of October, 1902.

B O Jones
Notary Public.

D 1053

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William M Evans for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 19, 1902 William M. Evans appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory on September 25, 1901.

The evidence shows that William M.Evans was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on September 28, 1890 to Catherine S. Nicholson, a citizen of said Nation. The applicant is identified on the 1896 census roll and his wife is also identified on said roll and the 1880 authenticated tribal roll of the Cherokee Nation.

The evidence further shows that the applicant, William M. Evans was a resident of the Cherokee Nation at the time of the making of this application and for fifteen years prior thereto, and that he and the said Catherine S. Evans, nee Nicholson, have lived together as husband and wife in said Nation since the date of their marriage.

It is, therefore, the opinion of this Commission that William M. Evans should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 19 1902

N-196

Cherokee D-1053.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William M. Evans for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on January 19, 1902, William M. Evans appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 25, 1901, and again at Muskogee, Indian Territory, on June 19, 1902, and October 11, 1902.

The evidence shows that William M. Evans was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on September 28, 1890, to Catherine S. Nicholson, a citizen of said Nation. The applicant is identified on the 1896 Census Roll, and his wife is also identified on said roll and the 1880 Authenticated Tribal Roll of the Cherokee Nation.

The evidence further shows that the applicant, William M. Evans was a resident of the Cherokee Nation at the time of the making of this application and for fifteen years prior thereto, and that he and the said Catherine S. Evans, nee Nicholson, have lived together as husband and wife in said Nation since the date of their marriage, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that William M. Evans should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1053.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of William M. Evans for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 4.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEELES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee E-2065.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of William M. Evans for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. E-196.

Decision - D 1053

William L. Evans

Original filing Jan 19 1901

Time of application Jan 19 1901

Date of birth

Affidavit of registration 3/13/02

Stephen D. Dodge

Cher D 1054

Cher D 1054

D. #1054.
Memo. #68.

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 19th, 1901.

In the matter of the application of John McCoy for enrollment as a citizen of the Cherokee Nation; said McCoy being duly sworn and examined, testified as follows:
EXAMINATION BY THE COMMISSION.

Q What is your name? A My name is John McCoy.
Q How old are you? A I am 29 years old.
Q What is your post office address? A McClain, Indian Territory.
Q Do you apply for enrollment as a citizen of the Cherokee Nation by blood? A I am not a Cherokee by blood, but I was raised there all my life.
Q What are you? A I was Creek, I come here to the Dawes Commission.
Q Do you want to enroll anyone besides yourself? A No, sir.
Q You do not claim any Cherokee blood at all? A No, sir.
Q Are you a full blood Creek? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name of your father? A McCoy.
Q His first name? A Arch.
Q Is your father living? A No, sir.
Q Is he a Creek of white man? A Creek.
Q What is the name of your mother? A She was a Selterbrand.
Q Her given name? A Charlotte.
Q She was also a Creek? A Yes, sir.
Q Have you ever drawn any money from the Cherokee Nation? A Yes, sir.
Q When? A Drawed when they was paying at that Grass money.
Q How long ago was that? A I was a little kid then.
Q Did you draw any money from the Cherokee Nation in 1894, six years ago? A No, sir.
Q Have you drawed any money from the Creek Nation? A No, sir.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Lizzie.
Q Is she a Cherokee? A No, she is a white woman.
Q Have you any children? A No, sir.
Q When were you married to her? A Had one child but it is dead.
Q When were you married to your wife, Lizzie? A This last May was a tear.
Q Did you ever apply to the Dawes Commission before? A Yes, sir. When they was holding right in this house over there I come to them and wanted to know whether they would let me take my portion of land there; I had married a woman before that, Eliza Fields and my name and hers is together on the roll.
Q On what roll, the Creek rolls? A No, sir, Thex Cherokee.
Q You said you had been married once before you married Lizzie? A Yes, sir.
Q When were you married to your first wife? A It has been about seven or eight years ago.
Q Was she a white woman or Cherokee? A She is Cherokee.
Q Is she living? A Yes, sir.
Q You are not living with her now? A No.
Q Are you divorced from her? A Yes.
Q What was her name before you married her? A Eliza Fields.
Q What was the name of her father? A Tim Fields.
Q Is he living? A No, sir.
Q Is he a white man of Cherokee? A Cherokee.
Q What is the name of your first wife's mother? A Her mother's name was Rogers.

Q What is her given name? A Elmyra Rogers.
Q What did they tell you when you went over there and applied for enrollment? A They asked me if I had been living over there all the time and I told them I had and they tolld me then that if I had been livi ng there all the time and had a place it looked like I would want to stay with it and they was not taking the census on that side any way and they told me to go back and go to work and I went back and went to work from the time I was able.
Q Your first wife's name does not appear upon the 1880 roll? A She had to go to Tahlequah to meet you fellows up there.
Q When? A When you fellows was at Fort Gibson.
Q Last Summer? A Yes, sir.
Q What is her name now? A Eliza Fields.
Q Does she go by the name of Eliza Fields or by the name of Eliza McCoy? A I guess she goes by the name of Eliza Fields now. I know that her sister was telling me that she was knowked off the roll because she was ot on the 1880 roll.
Q Did you ever have a child named Charley? A Yes, sir.
Q I s Charley living or dead? A He is dead, he was not deat at the time they went there at Fort Gibson, he died since.
Q And this boy Cha ley is your own child is it and Eliza its mother? A Yes, sir.
Q When were yo married to this Eliza Fields? A About ten years ago I reckon.
Q Where were you living at that time? A Fort Gibson.
Q Were you living in the Cherokee Nation then? A Yes, sir.
Q Did you get marriage license? A Yes, sir.
Q What has become of it? A I haven't got them with me.
Q Have you got it at home? A I got the second woman's.
Q I mean the first one? A She taken them off.
Q Did your first wife ever have a brother named James? A No, sir.
Q Did you ever know a man as Jim Fields? A No, sir.
She had a brother by the name of Johnny Fields.
Q Has your wife ever lived with a man by the name o f Freeman? A No,.
Q Her father died when she was how old? A her mother, I said, died when she was three years old, her daddy just died about three years ago.
Q Did he ever live any other place besides the Cherokee Nation? A Yes, lived every place I reckon.
Q Did he ever go by any other name besides Fields? A Just Fields i s all I know.
Q Where was your first wife living when you first married? A For Gibson.
Q You were living with your first wife in 1894 when they had that big payment? A Yes, sir.
Q Were you living together then? A Yes, sir.
Q Did she draw any money? A Yes, sir.
Q On what name, what was her name then, did she go by the name of McCoy? A She went by the name of McCoy then.
Q She went by the name of McCoy then; in what district were you living then? A In Canadian.
Q Did you draw her money for her? A She drawed her own money.
Q Did she draw for her sone Charley A He was not born then.
Q Did they ever call her by any thing else besides Eliza? A That is all.
Q Were you living in Illinois district at that time; pver there at Fort Gibson? A We were living in Canadian district when that big payment was paid out.
Q Did you ever have more then one child? A Yes, but it died before there was any paymet.

Q What was its name? A It was too young to name. Her sisters
Q
always called her Ida.
Q Did you ever know by the name of Brennon and Hayes? A Yes, sir.
Q Who are they? A Merchanrs down there at the Falls.
Q When this big payment took place in 1894 did they draw the money for your wife? Was it paid directly to your wife or to them ?
A It was paid directly to my old woman.
Q Did you turn it over to Brennon and Hayes immediately after that?
A She did.
Q She owed them the money? A Yes.
Q Did you know whether ~~[illegible]~~ your wife ever lived with anybody by the name of Freeman? A No, sir, she never lived with anybody by the name of Freeman.
Q When she was a little girl? A No, sir, I guess not.
Q Did she always lived wi th her father? A She was always with her daddy and oldest sister.
Q What was her oldest sisters name? A Sarissa Rogers.

1896 Roll; page 48, #1299, John McCoy, Canadian district, native Cherokee.

1896 Roll; page 48, #1300, Eliza McCoy, Canadian District, native Cherokee.

1894 Roll, page 804, #1265, Ida McCoy, Illinois.

Q Did you ever vote over in the Cherokee Nation? A Yes, sir.
Q Have you ever voted here in the Creek Nation? A No, sir, I never lived over here.
Q You never lived in the Creek Nation at all? A No, sir.
Q Have they ever challenged your vote over there in the Cherokee Nation? A Yes, sir, they would challenge it and put her back, and Chalenge it and put her back.
Q Did you ever go to school in the Cherokee Nation? A Yes, sir.
Q Where? A I went to the Seminary.
Q How long has that been? A I was about seven or eight years old I reckon.
Q That must to have been along about 1880 then was not it? A I guess it was.
Q Whom were you living with at that time? A John M. T ylor.
Q Did you ever go by the name of Taylor? A No, sir.
Q And John Taylor lived in Canadian district? A No, sir, he lived at Tahlequah.
Q You do not claim any Cherokee blood at all do you? A No sir, I could not because my parents both died when I was a baby. I have just got their words for it.
Q They said they were Creeks? A Yes sir, you know as much about me as I do myself.
Q Is this old John M. Taylor living? A I do not know, I have not been at Tahlequah in nine years.

COMMISSION:--The applicant applies for the enrollment of himself as a citizen of the Cherokee Nation. He states that he does not know of his own personalknowledge whether he is a Cherokee by blood. There seems to be no doubt but that he is a full blood indian. He also states that his parents died when he was quite young and has always been told that they were Creeks by blood. The Commission cannot identify him with any degree of satisfaction upon the roll of 1880, but he i s identified upon the census roll of 1896 as a native Cherokee. He will be listed now for enrollment as a citizen of the Cherokee Nation upon what is known as a doubtful card.

The Attent i on of the Commission is also called to a memorandum case, #68, that of an Eliza Fields and others. It app ars that she applied fo r enrollment as a citizen by blood of the Cherokee Nation on the 28th day of August, 1900. The Commission at that time was unable to identify her as being upon any of the tribal rolls of the Cherokee Nation. She is identified, however, with a reasonable amou t of certainty upon the census roll of 1896 and strip payment roll of 1896, according to the page and number as set forth in the testimony. Attention is also called to the name of one Eliza Fields which appears upon the authenticated roll of 1880, #560, Flint District. The Eliza Fields whose name appears there, is enrolled by herself and it is possible that she is the Eliza Fields referred to in this application.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of January, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 24 1901

The witness in the Commission is also called to a memorandum case, #38, that of [illegible]. It is one that also applied for enrollment as a citizen by blood of the Choctaw Nation on the 28th day of August, 1902. The Commission at that time was unable to identify her [illegible] any of the tribal rolls of the Choctaw Nation. [illegible], however, with a reasonable [illegible] upon the census roll of 1896 and [illegible] roll of 1896, according to the [illegible] and [illegible] in the testimony. Attached is also [illegible] the name of one Lizzie Fields which appears upon the [illegible] roll of 1896, #590, Kiowa District. The Lizzie Fields whose name appears there, is enrolled [illegible] herself and it is possible that she is the Lizzie Fields referred to in this affidavit.

---oOo---

C. A. Jackson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of January, 1901.

Commissioner.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 19 1901 1900.

29 Name John McCoy McLain, I. T.

District CANADIAN. Year 1896 Page 48 No. 1299

Citizen by blood Mother's citizenship } Arch McCoy Creek

Intermarried citizen Parents } Charlotte " Creek

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Dismissed

Proof of nativity to be supplied

D 1054 B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 19 1901

ACTING CHAIRMAN

R

C. R-1054

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of John McCoy for enroll ment as qa Cherokee citizen.

APPEARANCES:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicat was notified by registered letter on February 27th,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 15th day of March,1902, and that on said date he might appear in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application.

On the 15th day of March,1902, the applicant having been called and failing to respond either in person or by attorney this case is deemed completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D 1054

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of John McCoy for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 19, 1901 John McCoy appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the applicant, John McCoy, is a full blood Indian, but does not indicate with any degree of certainty whether he should be classified as a Cherokee or Creek. He is identified on the 1896 census roll as a Native Cherokee.

The Eighth Paragraph of Section Twenty-One of the Act of Congress, approved June 28, 1898 (30 Stats.495), provides as follows:

> "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there begiven such allotment and distributions, and not elsewhere."

The evidence further shows that the applicant, John McCoy, has been a resident of the Cherokee Nation all of his life.

It is, therefore, the opinion of this Commission that John McCoy should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Paragraph One of said Section Twenty-One of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIXED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Muskogee, Indian Territory,
this

E C M

Cherokee 1054.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of JOHN McCOY as a citizen of the Cherokee Nation.

O R D E R

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, January 19, 1901, John McCoy appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory March 15, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John McCoy, is identified on the Cherokee census roll of 1896.

Since the application was received by the Commission to the Five Civilized Tribes for the enrollment of John McCoy as a citizen of the Cherokee Nation the Commission and the Commissioner to the Five Civilized Tribes have diligently sought information which would enable them to determine whether or not he was entitled to citizenship on that date. No information has been obtained tending to show the status of John McCoy on September 1, 1902.

IT IS, THEREFORE, ORDERED: That the application for the enrollment of John McCoy as a citizen of the Cherokee Nation be, and the same is hereby dismissed.

Commissioner.

Dated at Muskogee, Indian Territory.

this FEB 2 1907.

HR

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON T. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902

Mr. John McCoy,

McLain, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-1054
Register.

Yours truly,

~~Acting Chairman.~~

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In reply refer to Cherokee D 1054.

Muskogee, Indian Territory, June 20, 1902.

John McCoy, Esq.,

McClain, Indian Territory.

Sir:-

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you submit to this Commission additional testimony, which will lead to the identification of your parents and yourself as citizens of the Cherokee Nation. In this connection, we would suggest that you secure the testimony of John M. Taylor, with whom you resided when a boy, together with the evidence of any other persons who knew you and your family at that time.

This testimony must be furnished on or before July 7, 1902.

Yours truly,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON J. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1054

ADDRESS ONLY THE
SECRETARY OF THE COMMISSION

Muskogee, Indian Territory, November 20, 1902.

John McCoy,

McLain, Indian Territory.

Dear Sir:-

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are hereby advised that, before the Commission can render a decision in your case, it will be necessary for John M. Tayler, with whom you state you were living about 1880, to appear and testify in your case; or if the evidence of said John M. Taylor cannot be obtained, it will be necessary for you to have someone else, who knew you about the year 1880, appear and testify as to your citizenship at that time.

This testimony should be introduced before the Commission at its offices at Muskogee, Indian Territory, on or before December 15, 1902.

Respectfully,

Acting Chairman.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1054

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that John McCoy has this day been notified to appear before the Commission at its offices at Muskogee, Indian Territory, on or before December 15, 1902, and introduce further testimony relative to his right to enrollment as a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

Cherokee D 1054.

Muskogee, Indian Territory, April 11, 1906.

Mr. John McCoy,

McLain, Indian Territory.

Dear Sir:

At Muskogee, Indian Territory on January 19, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen of the Cherokee Nation. Your testimony of that date shows that you are of Creek blood, but that your parents were residing in the Cherokee Nation at the time of your birth, and that you have always lived in the Cherokee Nation.

Your name cannot be found on any roll of the Cherokee Nation, except the Cherokee census roll of 1896. You are therefore hereby advised that before your application for enrollment as a citizen of the Cherokee Nation will be complete, it will be necessary for you to introduce further testimony to show your recognition as a Cherokee citizen.

Your testimony shows that you were residing in 1880, with one John M. Taylor, whose post-office address is given

as Tahlequah, Indian Territory. He could probably give information that would show your whereabouts prior to 1880, and possibly your identification on the Cherokee authenticated tribal roll of 1880.

You are further advised that you will be permitted to appear before this office in Muskogee, Indian Territory, on May 3rd, at nine oclock A.M. and introduce any testimony you may desire touching the points above mentioned. As this matter is important and as no further action can be taken in the matter of your application for enrollment as a citizen of the Cherokee Nation, before your Cherokee citizenship is more definitely established, you are requested to give this matter your prompt attention.

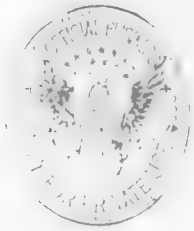
The attorneys for the Cherokee Nation will also be permitted to appear on that date and introduce any testimony they may desire in said case.

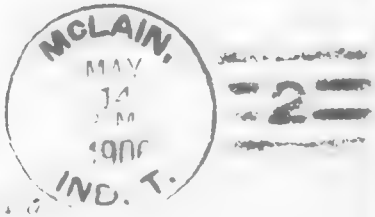
Very respectfully,

Acting Commissioner.

Registered.

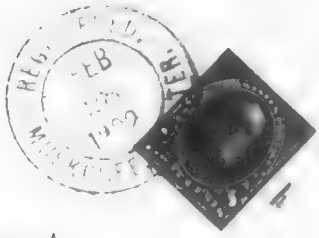
Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





Mr. John McCoy,
[illegible]ed.
McLain, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.



Hardscrabble,

Mr. John McCoy,
McLain, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300.

John McCoy,

McAlester, Indian Territory.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

9027

John H. McCoy
McAlester
I.T.

R) 1054

IN THE MATTER OF THE APPLICATION OF

[illegible]

[illegible] CITIZENS.

Original testimony January 1901

Item of application [illegible]

Advance, final consideration, 3/15/02

A

Cher D 1055

Cher D 1055

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 21st, 1901.

IN THE MATTER OF THE APPLICATION OF Tillman A. Collins for the enrollment of his son, Thomas Ellis Collins as a citizen of the Cherokee Nation, and the said Tillman A. Collins, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Tillman A. Collins.
Q How old are you? A Forty three.
Q What is your Postoffice address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q For whom do you apply for enrollment now? A Thomas Ellis Collins.
Q What is his age? A Twenty the 31st of January.
Q What is his Postoffice address? A Webbers Falls.
Q Is he a recognized citizen of the Cherokee Nation? A Yes sir.

Com'r. T. B. Needles: The applicant presents a certificate of admission, issued from the office of the Commission on Citizenship, at Tahlequah, dated January 30th, 1883, said certificate being signed by Thomas Tehee, President, Alexander Wolfe and T. H. Thompson, Commissioners, D. W. C. Duncan, Clerc of the Commission, the correctness of the certificate being certified to by D. W. C. Duncan, Clerk; said certificate certifying that among others, one Thomas E. Collins was admitted to Cherokee citizenship on the 11th day of September, 1883.

Q Is the Thomas E. Collins for whom you apply the identical Thomas E. Collins mentioned in this certificate? A Yes sir.
Q How long has he lived in the Cherokee Nation? A He was born and raised in Canadian District.
Q Has he always lived here? A Yes sir.
Q Never lived out? A No sir.

(1896 Roll, Page 10, #271, Thomas E. Collins, Canadian D'st)

Com'r. T. B. Needles: The name of Thomas E. Collins is found upon the census roll of 1896, and he presents satisfactory proof of his admission to Cherokee citizenship, more particularly described in the testimony; also satisfactory proof as to his residence: Now comes the Representatives of the Cherokee Nation and protest against the final enrollment of the said Thomas E. Collins, averring that his admission to citizenship was without warrant of law. Consequently, final decision as to the enrollment of the said Thomas E. Collins will be suspended and his name will be placed on a doubtful card.
You will be notified of the ~~xxx~~ decision of the Commission in regard to his admission.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of January, 1901.

COMMISSIONER.

1055

FILED
JAN 24 19

D 1055

IN THE MATTER OF THE APPLICATION OF

Thomas E. Collins

FOR ENROLLMENT

CHEROKEE CITIZENS.

R 1055

Original testimony Jan 21 1901

Filing of application Jan 21-1901

Notice of motion for consideration 3/15/02

3/15/02

Cher D 1056

Cher D 1056

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 21st, 1901.

IN THE MATTER OF THE APPLICATION OF Patrick Highland for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Patrick Highland.
Q What is your age? A My age is twenty three.
Q What is your Postoffice address? A Vinita, I. T.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir/
Q By blood? A Yes sir.
Q Whom do you desire to enroll? A Myself.
Q Just yourself? A Yes sir.
Q Are you on the roll of 1880? A No sir, I believe not.
Q Why not? A Neglection is all.
Q Have you any certificate of admission from the authorities of the Cherokee Nation? A No sir, I have not got it yet.
Q Where were you born? A I declare I can not tell you.
Q Did you never hear where you were born ? A I have heard, but I disremember.
Q Where were you raised? A Principally in Vinita.
Q What is your father's name? A Michael Highland.
Q Was he a Cherokee citizen by blood? A No sir.
Q What is your mother's name? A Nellie Highland.
Q Is she a Cherokee by blood? A Yes sir.
Q Is she living? A Yes sir.
Q Where? A In Vinita.

(1896 Roll, Page 179, #2514, Patrick Highland, Cooweescoowee District)

Q Did you draw your strip money in 1894? A Yes sir.

(1894 Roll, Page 215, #2159, Patrick Highland, Cooweescoowee District)

Q What evidence have you that you are a Cherokee citizen?
A My brother here and Mr. Skinner.

JAMES HIGHLAND, being sworn and examined by Commissioner, T. B. Needles, testified as follows:
Q What is your name? A Highland.
Q Any other name? A James.
Q What is your age? A Twenty four.
Q What do you know about the citizenship of Patrick Highland: Do you know he is a citizen of the Cherokee Nation? A Yes sir, his mother is a citizen and all of her folks are citizens.
Q Where was he born? A Vinita.
Q That is all you know about it, is it? A Yes sir.
Q Do you know why his name is not on the roll of 1880?
A We appointed a man to look after it, and he never did some way.
Q You are a brother of Patrick Highland? A Yes sir.
Q You are in the same condition he is, are you? A Yes sir.
Q You can swear him in and he can swear you in?
No response.

APPLICANT RECALLED:
Q Mr. Patrick Highland, how long have you lived in the Cherokee Nation; all your life? A Yes sir.
Q Have you any property in the Cherokee Nation? A No sir, I have'nt.
Q Have you been recognized by the Cherokee authorities as a citizen? A Yes sir.
Q Did you ever apply to the Cherokee Council to be admitted as a

Cherokee citizen? A No sir, nothing more than the town rolls, taking the census and one thing and another of that kind.
Q Did you ever apply to the Dawes Commission in 1896?
A No sir.

Com'r. T. B. Needles: The name of Patrick Highland is found upon the census roll of 1896 and the pay roll of 1894: He is duly identified, and makes satisfactory rpoof as to his residence. Because of the fact that his name is not on the authenticated roll of 1880, and no satisfactory proof being made as to his citizenship, final judgment as to the enrollment of the said Patrick Highland will be suspended and his name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of January, 1901.

COMMISSIONER.

DEPARTMENT OF THE INT
ION TO THE FIVE CIVILIZE ES
FILED
JAN 24 1901
ACTING CHAIRMAN

R

C. D-1056

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Patrick Highland for enrollment as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter on the 27th day of February,1902, that his application for enrollment as a Cherokee citizen would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March,1902, and that on said date he would be permitted to appear either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application.
Receipt has been acknowledged of the Commission's letter and on this the 15th day of March,1902, applicant having been called and failing to respond either in person or by attorney this case is deemed completed and same will be reported to the Commissionfor final decision based upon the evidence now of record.

I,M.D.Green do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

D1056

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

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Suppl to D 1056.
Cher-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 23, 1902.

In the matter of the application of Patrick Highland, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

The Commission: The applicant in this case was notified by registered letter on June 12, 1902, to appear before the Commission and submit additional testimony as to his admission to citizenship in the Cherokee Nation by the tribal authorities.

PATRICK HIGHLAND, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Patrick Highland.
Q How old are you ? A About 24.
Q What is your post office address ? A Vinita, I. T.
Q What is the name of your mother ? A Nellie Smith.
Q What is her name at the present time ? A Highland.
Q Is she living ? A Yes sir.
Q Where does she live ? A At Vinita, I. T.

The Commission: It is directed that copies of all the testimony had in the matter of the application of Nellie Highland, applicant's mother, who has been listed for enrollment by the Commission, on Cherokee Roll Card Field No. D 346, be filed with and made a part of the record in this case.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this June 23, 1902.

Tontin
Commissioner.

H-190

Cherokee D 1056

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Patrick Highland as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

---oOo---

The record in this case shows that on January 21, 1901, Patrick Highland appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, 1902, and June 23, 1902. The testimony taken in the case of Nellie Highland, Cherokee D No.546, has been made part of the record in this case.

The evidence shows that the said Patrick Highland is a Cherokee by blood. He is identified on the 1883, 1886, 1890 and 1894 Pay rolls of the Cherokee Nation, and on the 1896 Census roll of said Nation, as shown by an examination of said rolls in the possession of the Commission.

The evidence shows that the said Patrick Highland has resided in the Cherokee Nation all his life, except two or three years during his infancy and he was then residing with his mother in the Choctaw Nation.

It is, therefore, the opinion of this Commission that Patrick Highland should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1905

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1056.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Patrick Highland for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-190.

R 1056

Hall Jones & Co.

IN THE MATTER OF THE APPLICATION OF

[illegible]

[illegible]

[illegible]

Cher D 1057

Cher D 1057

Supl to D1057

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., September 19, 1900.

In the matter of the application of Nellie Highland for the enrollment of herself and children as Cherokee citizens:

The said Nellie Highland, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Question: What is your name ? A Nellie Highland.
Q What is your age ? A Fifty nine years of age.
Q What is your post office address ? A Vinita.
Q What district do you live in ? A Cooweescoowee.
Q You are a recognized citizen of the Cherokee Nation ?
A I was born and raised here; I don't know nothing else.
Q Did you ever live anywhere else ? A No sir.
Q What degree of blood do you claim ? A Half-breed.
Q For whom do you apply for enrollment ?
A For myself and my children.
Q Is your husband living ? A No sir.
Q What was his name ? A Highland; Mike Highland.
Q What was your father's name ? A Smith.
Q His first name ? A McCoy Smith.
Q Is he living ? A No sir, he is dead.
Q Your mother's name ? A Sarah.
Q Is she living ? A No sir, she is dead.
Q Give me the names of your children ? A William Highland, nineteen, Sarah Highland, twenty years of age.
Q When did you say you were married to Highland ?
A I don't know; it has been a good long while ago.
Q Where were you married ? A Married at Fort Gibson.
Q What district were you in twenty years ago ?
A I have been living here in Fort Gibson a good long while.
Q Did you ever go by any other name except Highland ?
A No sir, not since I have been married.
Q What was your name before you were married ? A Nellie Smith.
Q Did your father die before 1880 ?
A I could not recollect when my father died; I was a small child.
Q What was your mother's name ? A Sarah Woodard.
Q Well, they didn't get your name on the 1880 roll, do you know why it wasn't on the 1880 roll ? A Yes sir, I was in the Choctaw Nation at that time.
Q Why didn't you say so then and save a lot of trouble ?
A Well, you didn't ask me.

1896 roll, page 179, No. 2311, Nellie Highland, Cooweescoowee District;

1896 roll, page 179, No. 2315, Sarah Highland, Cooweescoowee District;

1896 roll, page 179, No. 2316, William Highland, Cooweescoowee District;

How long did you live in the Choctaw Nation ?
A We stayed there about five years.

The Commissioner: The name of Nellie Highland appears upon the Census Roll of 1896. On the roll of 1880 her name is not found, and she avers that the reason her name is not on said roll is that she was living in the Choctaw Nation at the time. The children Sarah and William's names appear upon the Census Roll of 1896. She not having made satisfactory proof of her citizenship, and her name not appearing upon the roll of 1880, final judgment as to the said applicant and her children Sarah and William will be suspended and her and their names will be placed upon a doubtful card.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in the above mentioned application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

(Signed) Wm. S. Wellshear,

Subscribed and sworn to before me this 29th day of September, A. D., 1900.

(Signed) C. R. Breckinridge,

Commissioner

Supl to D 1057

Cherokee D 346

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., October 15, 1901.

In the matter of the application of Nellie Highland, et al, for enrollment as Cherokee citizens:

Supplemental testimony on behalf of applicants:

Appearances:
Applicant present in person;
J. L. Baugh, Cherokee representative.

McCOY SMITH, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name ? A McCoy Smith.
Q What is your age ? A 54.
Q What district do you live in ? a Canadian.
Q Are you a Cherokee citizen by blood ? A Yes sir.
Q Do you know the applicant Nellie Highland ?
A Yes sir, I know her.
Q How long have you known her ? A Known her all my life, we were raised right close together.
Q Well, when did you first know Nellie Highland ? A. When we were about three or four years old; I knew her mother.
Q Well, what was her mother's name ? A Sallie.
Q She living ? A No sir, she is dead.
Q What was her father's name ? A McCoy Smith.
Q Is he living ? A No sir, he is dead.
Q Is her father a Cherokee by blood ? A Yes sir.
Q Her mother ? A Yes sir.
Q ~~Did~~ Did they die before the year 1880 ? A Yes sir.
Q Do you know why Nellie Highland's name is not on the roll of 1880
A She was in the C hoctaw Nation at that time when the 1880 roll was taken.
Mr. Baugh: How long was she down there Mr. Smith ? A Why she married Highland there at Muskogee, along about '78, I think it was, somewhere along about that time, '76 or '78, and I thought stayed there two or three years, and then went from there to the Choctaw Nation; I lived right there close to them.
Q Do you know when she returned ? A No I don't know when she came back.
Q Did they have any property in the Cherokee Nation when they left here ? A No sir, I think not.
Q Well, when they married were they living in Muskogee, or where were they living ? A She was living down on Canadian.
Q Did they go to housekeeping in Muskogee ? A Yes sir, he was working there on the railroad.
Q Do you know what occupation he followed after he went to the Choctaw Nation ? A Mining, coal mining.
Commissioner: You know how long she lived in the Choctaw Nation?
A No sir, I don't know that.
Mr. Baugh: Is there any statement you want to make ?
A No, I don't know that it is necessary, I have knowed her ever since I can recollect. I knew her mother and father both.

~~Commissioner: This will be made part of the record in the case.~~

FRANK SMITH, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name ? A Frank Smith.
Q How old are you ? A 56.

Q What is your post office address ? A Braggs.
Q Do you know Nellie Highland ? A Yes sir.
Q Any relation to you ? A Yes sir.
Q What ? A First or second cousins, brothers children.
Q She is your brother's child ? A My uncle's child.
Q What is her father's name ? A McCoy Smith.
Q Was he a Cherokee citizen ? A Yes sir.
Q Did he die before 1880 ? A Yes sir.
Q What was her mother's name ? A Sallie.
Q Was she a Cherokee citizen ? A Yes sir.
Q Both by blood ? A Yes sir.
Q Did she die before 1880 ? A Yes sir.
Q Well, where has Nellie Highland been living all her life ?
A Well, she lived there on Coody's Creek until she married.
Q Where was she born ? A Born there on the bayou in Illinois district.
Q Do you know why hermame is not on the roll of 1880 ?
A No sir, I don't.

Bruce C. Jones, being duly sworn says, that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 18th day of October, 1901.

(Signed) T. B. Needles,

Commissioner.

(Supl C D 346)

Supl to D 1057

Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I. T., November 7th, 1901.

SUPPLEMENTAL TESTIMONY, in the matter of the enrollment of NELLIE HIGHLAND, ET AL., as Cherokee citizens, introduced on behalf of applicants:

Appearances:
Attorney J. S. Davenport, for applicant;
Mr. J. C. Starr, for Cherokee Nation.

J. M. LaHAY, being duly sworn by Commissioner Needles, testified as follows on part of the Applicants:

MR DAVENPORT: What is your name ? A J. M. LaHay.
Q Where do you live Mr. LaHay ? A Claremore, X Cherokee Nation.
Q How old are you ? A 36 years old.
Q How long have you lived in the Cherokee Nation ? A All my life except being absent a while--12 years.
Q Where were you living in 1880 Mr. LaHay ?
A I was living at McAlester, in the Choctaw Nation.
Q Did you know Mike Highland during his lifetime ? A Yes sir.
Q Did you know his wife Nellie ? A Yes sir.
Q Do you know where they were living in 1880 ?
A They were living about McAlester.
Q Were you acquainted with them at that time ? A Yes sir.
Q Did you and Mike Highland work together and live near each other in 1880 ? A Yes sir we worked at the same works and lived neighbors to each other at the time.
Q That was in the Choctaw Nation ? A Yes sir.

Com'r Needles: This testimony will be made part of the record in the original case and filed therewith.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this November 9th, 1901.

(Signed) T. B. Needles,

Commissioner.

I, E. C. Bagwell, on my official oath as stenographer to the Commission to the Five Civilized Tribes, state that the above is a true, perfect and accurate copy of the originals as filed with the Commission.

E. C. Bagwell.

Stenographer.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 21st, 1901.

IN THE MATTER OF THE APPLICATION OF James Highland for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A James Highland.
Q How old are you? A Twenty four.
Q What is your Postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Whom do you desire to enroll? A Myself is all.
Q Just yourself? A Yes sir.
Q Is your name on the roll of 1880? A No sir.

(1896 Roll, Page 179, #2313, James Highland, Cooweescoowee District)
(1894 Roll, Page 215, #2161, James Highland, Cooweescoowee District)

Q Do you know the reason your name is not on the roll of 1880?
A No sir, not exactly, only we had a man to look after it, and he neglected it.
Q Was your father living at that time? A Yes sir.
Q And your mother also? A Yes sir.
Q Your mother's name is not on the roll of 1880? A No sir.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Where were you born? A Vinita.
Q Have you lived there ever since? A Yes sir.
Q Do you own any property in the Cherokee Nation? A Yes sir, own a house and lot.
Q Did you ever apply to the Cherokee Council to have your name placed on the rolls? A Yes sir.
Q What disposition was made of your application? A Nothing, only my mother's name was found on the '51 roll and all her folks.
Q You say you made application for citizenship?
A Nothing only to see if your names was on the roll.
Q Did you ever apply to the Dawes Commission in 1896? A No sir.

Com'r. T. B. Needles: The name of James Highland is found upon the census roll of 1896 and on the pay roll of 1894: His name is not found upon the authenticated roll of 1880: He is duly identified, and makes satisfactory proof of residence, but he produces no proof of being recognized by the Cherokee authorities as a citizen: From that fact, and the further fact that his name is not on the roll of 1880, final judgment as to the enrollment of the said James Highland will be suspended and his name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of January, 1901.

COMMISSIONER.

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 25, 1902.

In the matter of the application of James Highland, for the enrollment of himself as a citizen of the Cherokee Nation:

Appearances:
James S. Davenport, Vinita, I. T., for applicant;
W W Hastings, for the Cherokee Nation.

Mr. Davenport: I desire to request that the testimony in the case of D 346, Nellie Highland, be made a part of the record in this case, and to submit the case upon the same statement of facts as in the case of Nellie Highland.

The Commission: The attorney for the applicant and the attorney for the Cherokee Nation submit this case to the Commission for final consideration, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now on file in addition to the evidence in the case of Nellie Highland, which will be made a part of the record in this case.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this February 26, 1902.

Commissioner.

D-1057.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 17, 1902.

In the matter of the application of James Highland for the enrollment of himself as a Cherokee by blood.

SUPPLEMENTAL TO D-1057.

APPEARANCES:
Applicant in person.
W. W. Hastings for Cherokee Nation.

COMMISSION: The applicant was notified by registered letter June 5, 1902, to appear before the Commission at its offices in Muskogee, Indian Territory, on or before June 19, 1902, and submit further evidence in the matter of his application for the enrollment of himself as a citizen of the Cherokee Nation, especially with regard to his residence in the Cherokee Nation.

JAMES HIGHLAND, being first duly sworn, testified as follows:

COMMISSION: What is your name? A James Highland.
Q How old are you? A I am 25.
Q What's your postoffice address? A Vinita.
Q You are an applicant before the Commission for enrollment as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Where were you born? A I was born in the Cherokee Nation - I was born down here at McAlester.
Q In the Choctaw Nation? A Yes, sir, in the Choctaw.
Q How long did you reside there after your birth? A Why just a short time, a year or such a matter.
Q Where did you go then? A To Vinita.
Q How long have you been residing in Vinita? A Well that's been 22 or 3 years.
Q Have you ever made your home outside of the Indian Territory? A No, sir, never been no place else.
Q How long a period, if any, have you ever been out of the Territory? A I was in the service for eight months.
Q In the United States Army? A Yes, sir.
Q Where were you stationed? A San Diego, California.
Q Is that the longest at any one time that you have ever been out of the Territory? A Yes, sir.
Q What's the name of your father? A Michael Highland.
Q Is he living or dead? A He's dead.
Q Was he a Cherokee or a white man? A He was a white man.
Q What's the name of your mother? A Nellie Highland.
Q Is she living? A Yes, sir.
Q Where does she live? A She lives at Vinita.
Q How long has she been living there? A Well, sir, I don't know; it's been-
Q Ever since you have? A Yes, sir, ever since I have.
Q Is your mother a Cherokee by blood? A Yes, sir.
W. W. Hastings: Do you know how long your mother had been in the Choctaw Nation when you were born; I mean from family history? What did your mother say about it? A Why they just moved there a little while to work; my father was a miner, and they just moved there and stayed a little while and they went back up to Vinita.
Q Were you the oldest of the children? A No, sir, I have got a

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sister.
Q Well how much older is that oldest sister than you? A One year.
Q Where were your father and mother married? A Why I don't know where they was married.
Q You never heard her say? A No, sir, I never.
Q Do you know where your oldest sister was born? A No, sir.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 23rd day of June, 1902.

Notary Public.

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Cherokee D 1057

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. H.T.C.

In the matter of the application of James Highland for the enrollment of himself as a citizen by blood of the Cherokee Nation.

DECISION.

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The record in this case shows that on January 21, 1901, James Highland appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 17, 1902. The testimony taken in the matter of the application for the enrollment of Nellie Highland, et al. Cherokee Doubtful Case #346, is made part of the record in this case.

The evidence in this case shows that James Highland, twenty-four years of age at the date of this application, was the son of Nellie Highland, a native Cherokee. Neither the name of James Highland nor that of his mother, Nellie Highland, can be found on the Cherokee authenticated tribal roll of 1880, because the family were in the Choctaw Nation of the Indian Territory at the time that roll was made. Upon an examination of the tribal rolls of the Cherokee Nation in the possession of this Commission the name of James Highland is found on the Cherokee Pay roll of 1883, on the Cherokee Pay roll of 1886, on the Cherokee Pay roll of 1890, on the Cherokee Census roll of 1890, on the Cherokee Strip Payment roll of 1894, and on the Cherokee Census roll of 1896.

It further appears from the evidence that the said James Highland was born in the Choctaw Nation but left there at a very early age and has lived in the Cherokee Nation ever since, a period of twenty-two or twenty-three years, except for eight months when he was in the service of the United States Army.

It is, therefore, the opinion of this Commission that James Highland should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1057.

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of James Highland for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 107.

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Original testimony Jan 21 1901

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 21st, 1901.

IN THE MATTER OF THE APPLICATION OF Moses Morris for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Moses Morris.
Q What is your age? A Forty five.
Q What is your Postoffice address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee nation? A Well; supposed to be.
Q Whom do you desire to enroll? A Myself, wife and nine children.
Q What is your wife's name? A Mary.
Q What was her name before you married her? A Martin.
Q How old is she? A Thirty four.
Q When ~~xxx xxx xxxx~~ do you claim to have been married?
A I was married on July 27th, 1882.
~~X~~
Com'r. T. B. Needles: The applicant presents a marriage certificate, certifying that on the 27th day of July, 1882, he was married to one, Miss Mary Martin, a Cherokee citizen by blood, but he presents no marriage license.

Q What are the names of your children? A Nancy Jane.
Q How old is she? A She will be sixteen in June. (Answer by applicant's wife, Mary Morris, she being under oath)
Q What is the name of the next child, Mrs. Morris? A Sarah C.
Q How old is she? A Fourteen.
Q Next one? A John W.
Q How old is John W. A Twelve.
Q What is the next one? A Charley T.
Q How old is he? A Nine.
Q Next one? A Della May.
Q How old is she? A Seven.
Q Next one? A Myrtle.
Q Has she any middle name? A No sir.
Q How old is she? A Six.
Q Next one? A Jesse M.
Q How old is Jesse? A Five.
Q Next one? A Anna L.
Q How old is she? A She's three.
Q Next one? A Bertha L.
Q How old is she? A Seven months.

Q Mr. Morris, is Mary Martin your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you been living with her continuously since 1882?
A Yes sir.
Q You have never been parted or divorced, have you? A No sir.
Q How long have you lived in the Cherokee nation? A Since '73.
Q Lived here continuously? A Yes sir.
Q Your wife also? (Answered by applicant's wife) I have lived here all my life.
Q Has your wife lived in the Cherokee nation all her life?
A (Answered by applicant's wife? A I was born in Missouri and raised in the Cherokee Nation.
Q Mr. Morris, is your wife's name on the roll of 1880? A I do not know that it is.
Q How does she become a Cherokee citizen if her name is not on the roll, or she has not been admitted? A Her father when she was born was living in Missouri there and he moved to the Cherokee nation and she has been there ever since, and she was two years old when

she came here.
Q What is her father's name? A Joe.
Q Is he living? A No sir, he's dead.
Q What is her mother's name? A Rualine Fields.
Q Is she living? A No sir.
Q Was Joe Martin a Cherokee? A No sir, white man.
Q Was Rualine Fields a Cherokee? A Yes sir.
Q In what district was your wife in 1880? A Delaware.

TO APPLICANT'S WIFE:
Q Was your name Mary Ann? A No sir, Mary Jane. I was living with my uncle when the census takers came around - we were out visiting - and they left me and my brother off.
Q When was that? A In '80.
Q Have you any brothers or sisters on the roll of 1880? A I have only one brother living, and we were not either one enrolled in '80.
Q Were your father and mother enrolled in 1880? A No sir, they were dead; just my uncle and the family I was living with were enrolled - Thompson Fields.

(1896 Roll, Page 53, #1463, Mary Morris, Canadian District)
(1896 Roll, Page 91, #207, Moses Morris " "
(1896 Roll, Page 53, #1464, Nancy Morris, " "
(1896 Roll, Page 53, #1465, Sarah C. Morris, " "
(1896 Roll, Page 53, #1466, John W. Morris, " "
(1896 Roll, Page 53, #1467, Charles Morris, " "
(1896 Roll, Page 53, #1468, Della Morris, " "
(1896 Roll, Page 53, #1469, Myrtle Morris, " "
(1896 Roll, Page 53, #1470, Jesse Morris, " "

Q Did you draw your strip money in 1894? A Yes sir.

Mrs. Morris, have you always been recognized citizen of the Cherokee Nation by blood? A Yes sir.
Q ~~Mrs~~ Whom were you raised by? A Thompson Fields.
Q Who was Caroline Fields? A His wife.
Q Is she any relation to you? A Only by marriage.
Q Thompson Fields was your uncle? A Yes sir.
Q Was he a Cherokee citizen? A Yes sir.
Q Is Caroline Fields living? A Yes sir.
Q Is Thompson Fields living? A No sir, he is dead.
Q Do you know Johnson Fields? A That is their son.
Q He is a relation of your's? A My first cousin.
Q Did you ever apply to the Cherokee council to be admitted to Cherokee citizenship? A No sir. (By applicant himself): She never - her father died when she was quite young.
Q Did you ever apply to the Dawes Commission in 1896? A No sir, never have. (Answer by applicant's wife.)
Q Mr. Morris, you have always been recognized as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q Did you have a license when you got married? A Yes sir - there was a man in town signed my petition when I got it.
Q Do you know where the license is? A They are at home in a trunk. (Answered by applicant's wife) I can produce them - by applicant.
Q What was your mother's given name Mrs. Morris? A Rualine.
Q She died you say before 1880? A Yes sir, she died in '72.

Com'r. T. B. Needles: The name of Moses Morris is found upon the census roll of 1896: He avers and presents certificate of marriage, certifying that he was married to one, Mary Martin, a Cherokee citizen by blood in the year 1882, but presents no marriage license or certified copy of same. The name of his wife is not found upon the authenticated roll of 1880, but it is found upon the census roll of

1896: The names of his children as enumerated are found upon the census roll of 1896, with the exception of Anna L., and satisfactory proof of her birth is filed, and he avers that he has one younger child, Bertha L. Morris, seven months of age, but presents no proof of its birth.

Said Moses Morris, his wife, Mary and children are duly identified according to the page and number of the rolls, and make satisfactory proof ~~as~~ as to their residence. From the fact that the said Mary Martin's name is not found upon the authenticated roll of 1880, and no satisfactory evidence is made as to her citizenship, final judgment as to the enrollment of the said Mary Morris and her children as enumerated here will be suspended, and their names will be placed on a doubtful card.

From the further fact that the said Moses Morris presents no satisfactory proof of his marriage according to the laws of the Cherokee Nation, final judgment as to the enrollment of the said Moses Morris as a Cherokee citizen by intermarriage will be suspended, and his name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the ~~[illegible]~~ in the Five Civilized Tribes, he ~~[illegible]~~ correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of January, 1901.

COMMISSIONER.

1058

FROM THE [illegible]
[illegible] TO THE FIVE C[illegible] 58

FILED
JAN 24 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 4th, 1901.

S U P P L E M E N T A L T E S T I M O N Y .

D #1058.

SUPPLEMENTAL TESTIMONY in the matter of the application for enrollment as citizens of the Cherokee Nation of Moses L. Morris et al.:

Said Moses L. Morris, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Mr. Morris, give me your full name? A Moses Lewis Morris.
Q You applied for enrollment as a Cherokee on the 21st of January of the present year? A Yes, sir, about two weeks ago to-day.
Q You are 45 years old are you? A Yes, sir.
Q Muskogee your post office? A Yes, sir.
Q Live in Canadian district? A Yes, sir.
Q You were married to Mary Martin who was? A Yes, sir.
Q Was the Clerk in the office when he give you this marriage license? A Yes sir.
Q How was it he never put his seal on it? A The law was to return that and the license too and I neglected returning it and he neglected putting the seal on it.
Q He ought to have put the seal on it at the time he issued the license? A Well, he never done it.

The applicant presents a license signed by the Clerk of Canadian district, Cherokee Nation, July 26th, 1882, authorizing marriage between himself and his wife, as set forth in the testimony heretofore taken in this case. The certificate already on file, a separate document, shows that they were married on the day following the date of the license. The license does not bear the seal of the Clerk, which the applicant states arose from neglect. This is filed herewith.

Q Now, Mr. Morris, it is not probable that there is a record at Tahlequah because you did not return the license and certificate to be recorded? A Well, I don't know about that, I spoke to the Clerk about it, that I was sick and did not return it in due time. He says "I recorded it at Tahlequah," and I supposed it was alright.
Q Now you write to Tahlequah to the Executive Clerk at Tahlequah and get a copy under the seal of his office of the record showing that this license was issued. While this license in its present form is better than no evidence yet it is not as good as having the original license with the seal of his office.
Q Now, another question in your case is the fact that your wife is not on the roll of 1880? A I could not find her on the roll of 1880 and 1896.
By Cherokee Representative, Joel L. Baugh:
Q She is not on either one of these rolls is the? A She is on the roll of '96.
By Commissioner Breckinridge:
Q Well do you want this lady here who is your wife's Aunt to give some testimony in the case? A Yes, sir, she raised my wife.

CAROLINE FIELDS, being sworn and examined, testified as follows:

Q Give me your full name please? A Caroline Fields.
Q What is your age? A 53.
Q What is your post office? A Vinita.

Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Do you know Mrs. Mary Morris? A Yes, sir.
Q What was her maiden name? A Martin.
Q She was born in Missouri was she? A Yes, sir.
Q At what age did she come to the Cherokee Nation? A I guess she must have been five or six years old.
Q She is about 34 now is she? A Yes, sir.
Q Were her father and mother dead when she came to the Cherokee Nation? A No, sir, they were living.
Q Did they come here? A Yes, sir.
Q How long did they live in Missouri? A They did not live there but about six months. They went up there right at the close of the War and we moved back out here to the Nation and they moved down right after we did.
Q They went up there about the close of the War? A Yes, sir, then after he come down here he got a license and married according to the Cherokee laws.
Q Well after he married he went back to Missouri did he? A No, sir never lived there any more.
Q Did you tell me that this daughter was born in Missouri? A Well he had married in time of the war; after getting a Cherokee license he married according to Cherokee license after he got back.
Q And this daughter was xxxxxx born before he was married according to Cherokee law? A Yes sir, he went up there and staid until peace was made, he was afraid to go home.
Q He had gone up there during the war had he? A Yes, sir, he was a soldier when he married her mother.
Q Union soldier? A Yes, sir.
Q And it was during the War when he went up to Missouri? A Yes, sir, it was during the War.
Q And while he was in Missouri in that war this child was born?
Q Yes, sir.
Q And this child was five or six years old when this child's father come back from Missouri? A I guess she must have been about five years old.
Q He was born then just about the close of the War? A Yes sir.
Q Did the father stay up in Missouri some five or six years after the close of the War? A I guess it was about a year after peace was made, he come back down here.
Q Then the child was not five or six years old. A He could begin to walk and talk.
Q Now I want to locate as definitely as I can what time her father came back from Missouri? A I can't tell you.
Q How long after the war? A I think it was about a year after the close of the War.
Q How long was it after the close of the war after you came back? A I come back right after peace was made.
Q And how long was it after you come back was it before this girl father, who I belived was your brother, until he came back? A I do not think it was over a year.
Q He came shortly? A Yes, sir, and when they came this little girl she could walk and begin to talk.
Q And did her father then live in the Cherokee Nation on until he died? A Yes, sir.
Q And how long did he live after he came back here? A I could not tell, he died in 1876.
Q When did you say he died A I think he died in 1876 he died at my house.
Q Was the mother of Mrs Morris a Cherokee by blood? A Yes, sir.
Q What was she doing up in Missouri when she and her husband were married, refugeeing? A She lived with him.

Q Was she refugeeing? A Yes, I guess that would be called a refugee.
Q And about when did the mother of Mrs. Morris die? Mrs. Morris's mother died before her father died? A Yes, sir.
Q They were both dead before 1880? A Yes, sir.
Q Was Mrs. Morris living with you in 1880? A She was a girl then about 14? A Yes; she was living with me.
NowNow why was her name not put on the roll of 1880? A We always enrolled them and I can't say why you can't find them; we always enrolled them as orphans.
She would have been enroled as Mary Martin on the orphan ro ll?
A Yes, sir.
Q In what district were you living? A Delaware.

MRS. MARY MORRIS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Mrs. Morris, have you a "Jane" in your name? A Yes, sir.

Tribal rolls of the Cherokee Nation examined and Applicant's wife's name found thereon as follows:
1880 Authenticated roll; page 10, #17, Willie Jane Martin, Orphan roll, Delaware District.

Com'r Breckinridge:--From the testimony now taken Mary J. Martin is clearly identified on the roll of 1880 and shown to have been residing with the family of her uncle at that time, she being then an orphan. This testimony will be filed with case D. #1058, and attention will be called upon the card to this additional evidence and to the fact that Mary J. Martin, now Mary J. Morris, is identified on said roll of 1880 and this clearly shows her right and that of her children to be enrolled as Cherokees by blood. It is still desired that Moses L. Morris supply the Commission with further evidence, as set forth in the testimony, establishing his marriage in accordance with Cherokee law, is required to settle his claim to citizenship. His name will also be changed upon the roll from Moses Morris to Moses L. Morris in order to conform to the same as now given by him.

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J. O. Mason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Mason

Subscribed and sworn to before me this 7th day of February, 1901.

C. R. Breckinridge

Commissioner.

D 1055

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 13 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 14th, 1902.

In the matter of the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-1069

Cherokee Nation appears by J. C. Starr.

SARILDA SCOTT, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Sarilda Scott.
Q. How old are you? A. 59.
Q. What is your post office? A. Bennett.
Q. Are you a white woman? A. Yes, sir.
Q. You are claiming as an intermarried citizen, are you?
A. Yes, sir.
Q. What is the name of the husband through whom you claim citizenship? A. William Headrick.
Q. Is he living? A. Yes, sir.
Q. When were you married to him? A. Been married about 13 or 14 years.
Q. You say your husband is living? A. Yes, sir.
Q. How came you to be named Scott? A. I just took my old name back. We had a divorce. I supposed we did have a divorce. He sued for a divorce.
Q. You married him when? A. I don't just remember. 13 or 14 years.
Q. Was he the first husband you ever had? A. No, sir.
Q. You have been married before? A. Yes, sir.
Q. Was your first husband a Cherokee or white man? A. White man.
Q. Was he dead before you married Headrick? A. Yes, sir.
Q. Was he married before he married you? A. No, sir.
Q. You are his first wife? A. Yes, sir.
Q. How long did you live with Headrick? A. A little over ayear.
Q. Then separated? A. He left me.
Q. Why did he leave you? A. I don't know. He got tired I guess. That is what he said. I think he has been married a half a dozen times and didn't stay with any of them very long.
Q. You say he has been married half a dozen times? A. That is what I heard.
Q. Did you know that before you married him? A. No, sir.
Q. Do you know the truth about that? A. No, sir; I don't.
Q. Who married you? A. Judge Woodall.
Q. Have you a certificate? A. They have got it here.
Q. You lived with your husband about a year before he left you?
A. Probably 13 or 14 months.
Q. Did he tell you why he left? A. No.
Q. Where did he go? A. He went 4 or 5 miles off.
Q. Did you try to get him back? A. Yes, sir.
Q. He wouldn't come? A. No, sir.
Q. You have never lived with him since that time? A. No, sir; I have never lived with him since that time.
Q. Are you divorced? A. No, sir. I thought so but Mr. Alberty says there was no divorce recorded. He sent me a letter. They have got it here. There was no divorce.

Q. I understand he sued for a divorce? A. Yes, sir.
Q. Did he have the papers served on you? A. Yes, sir.
Q. Do you know whether the case was tried? A. I thought it was tried but it wasn't.
Q. It was dismissed? Do you know? A. It was dismissed.
Q. By him? A. By the lawyers.
Q. You never sued him for a divorce? A. No, sir.
Q. Have you married since then? A. No, sir.
Q. You took back your old name? A. Yes, sir; I took back my old name. I supposed I had a divorce from him and didn't want to wear his old name.
Q. Did you ever give him any cause to leave you? A. No, sir.
Q. You conducted yourself as a faithful wife, did you?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation--ever since you married your husband? A. Yes, sir.
Q. Made it your home all the time? A. Yes, sir.

Examination by Mr. Starr.

Q. What is the name of your first husband? A. Mortimer B. Swott.
Q. Where were you married to him? A. In St. Louis.
Q. When? A. I think it was '59.
Q. Where did you and he live after you were married?
A. We lived in Illinois part of the time, part of the time in Missouri and part of the time in the Cherokee Nation.
Q. Is he dead? A. Yes, sir.
Q. Did you live with him until he died? A. Yes, sir.
Q. Where were you and he living when he died? A. Living in the Cherokee Nation but he died in Eureka Springs, Arkansas. He was there for his health. He died after he got there.
Q. When did he die? A. '81.
Q. How many times had William Headrick been married before you married him? A. I couldn't tell you that. Two or three times, though.
Q. What was the name of his first wife? A. I don't know. Owens was the name of one of them.
Q. Did he live with her until she died? A. I think he did.
Q. Where were they living when she died? A. There at Texanna, Cherokee Nation.
Q. What is the name of his second wife? A. I don't know what it was. I don't remember.
Q. What became of her? A. He quit her on her death bed. He went off and left her.
Q. Who did he marry next? A. Me.
Q. Was this second wife dead when he married you? A. Yes, sir.
Q. You know that of your own knowledge? A. Yes, sir; she was dead.
Q. Was his first wife dead when he married you? A. Yes, sir; she was dead.
Q. Where did the first wife die? A. Right close to us in Texanna.
Q. Where did his second wife die? A. She died, do you know----- Earbob, that was her name. She died. She died of consumption.
Q. She died before you married him? A. Yes, sir.
Q. Where did you live before you and he separated? A. There at Texanna.
Q. Live in town? A. No, not in Texanna.
Q. Did you have a home of your own? A. Yes, sir. It was my sons place. Just called it my home while I lived there.
Q. Wasn't Headrick's home there? A. No, sir.
Q. Just rented? A. No, it wasn't a rented place.
Q. Who lived there with you? A. Just my two boys.
Q. What was the cause of this separation? A . Well, sir; you

will have to ask him. I don't know what he says.
Q. Where did he go when he left there? A. I don't know where he went to. Just went around the neighborhood there.
Q. To whose house? A. I think he went to Manning's. I won't be certain.
Q. How long did he stay there? A. Well, I couldn't tell. I don't know.
Q. Where did you stay after he left? A. Stayed at home.
Q. How long did you continue to stay there? A. Oh, well--- I don't know. White a while. After him and me married we bought that place where we was living at first, me and my two boys.
Q. You didn't run Headrick off? A. No, sir; he run himself off.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 14th day of December, 1902.

B. Jones
Notary Public.

Cherokee B 1068

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Moses L. Morris for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary J. Morris, and his nine minor children, Nancy J., Sarah C., John W., Charles T., Della M., Myrtle, Jesse M., Anna L., and Bertha L. Morris, as citizens by blood, of the Cherokee Nation.

D E C I S I O N.

—oOo—

The record in this case shows that on January 21, 1901, Moses L. Morris appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary J. Morris, and his nine minor children, Nancy J., Sarah C., John W., Charles T. Della M., Myrtle, Jesse M., Anna L., and Bertha L. Morris, as citizens by blood, of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 4, 1901.

The evidence shows that Moses L. Morris, a white man, was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on July 27, 1868, to Mary J. Martin, a citizen by blood of the Cherokee Nation. Mary J. Morris is identified on the Cherokee authenticated tribal roll of 1880 and she and her husband Moses L. Morris, and their children, Nancy J., Sarah C., John W., Charles T., Della M., Myrtle, and Jesse M. Morris, are all identified on the Cherokee census roll of 1896. Two children of Moses L. Morris and his wife, Mary J. Morris, Anna L., and Bertha L. Morris, were born on October 8, 1897, and May 30, 1900, respectively, and proper proof of their births has been furnished this Commission.

The evidence further shows that Moses L. Morris has lived continuously in the Cherokee Nation ever since 1873, and with his wife ever since their marriage in 1868. Except for the first years of her life Mary J. Morris has always lived in the Cherokee Nation. It is considered that all of the children of Moses L. Morris and his wife, Mary J. Morris, included in this application, have resided continuously with their parents in the Cherokee Nation from the time of their birth up to and including the date of this application.

It is, therefore, the opinion of this Commission that Moses L. Morris should be enrolled as a citizen by intermarriage, and that Mary J. Morris, Nancy J. Morris, Sarah C. Morris, John W. Morris, Charles T. Morris, Della M. Morris, Myrtle Morris, Jesse M. Morris, Anna L. Morris, and Bertha L. Morris should be enrolled as citizens by blood, of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 19 1902

Cher-D-1058.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 23, 1902.

In the matter of the application of Moses L. Morris for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of his wife, Mary J., and his children, Nancy J., Sarah C., John W., Charles T., Della M., Myrtle, Jesse M., Annie L. and Bertha L. as citizens by blood of the Cherokee nation.

Moses L. Morris, being first duly sworn and examined by the Commission, testified as follows:

Q Your name is Moses L. Morris? A Yes sir.
Q How old are you? A 47 years.
Q What is your postoffice? A Muskogee, I.T.
Q Are you a white man? A Yes sir.
Q Claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes sir.
Q What is your wife's name? A Mary J.
Q Is she the wife throu h whom you claim your rights? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has your wife been living in the Cherokee nation? A Ever since she was a small girl; they lived in Missouri a little while at the close of the war.
Q When were you married to her? A June, 1882.
Q Was you married to her under a Cherokee marriage license? A Yes, I took out a license when I married but have so far failed to get a copy of it at Tahlequah.
Q Have you petitioned for it? A Yes sir.
Q Took the oath required by the Cherokee law? A Yes sir.
Q What clerk was it? A H. J. Wann.
Q Of what district? A Canadian.
Q Did he marry you also? A No, a circuit rider, J. L. Keener, a minister of the gospel. I know I got my petition and at the required time I was to send them to the clerk I was sick, and I saw him and spoke to him about it, and he said he would record it at Tahlequah, but I failed to get a copy of them.
Q Was Mary your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q You and your wife Mary have been living together ever since you were married? A Yes sir.
Q You never have been separated? A No sir.
Q You are living together now? A Yes sir.
Q Has your home been in the Cherokee nation ever since you were married?
A Yes sir.
Q You never lived anywhere else? A No sir.
Q How many children have you? A Got eleven children.
Q Have there been any deaths in your family in the last two years? A No.
Q What are the names of your two youngest children? A. Claud Daniel and Maud C.
Q Are they twins? A Yes sir.
Q When were they born? A The 18th of last February.
Q February 18, 1902? A Yes sir.
Q You have made application for their enrollment heretofore? A Yes sir.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 3, 1902.

B. O. Jones
Notary Public.

COMMISSION TO
NOV 1 6 1908

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1058.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of Moses L. Morris for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Mary J. Morris, and his children, Nancy J., Sarah C., John W., Charles T., Della M., Myrtle, Jesse M., Anna L. and Bertha L. Morris, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 8.

D 1058

IN THE MATTER OF THE APPLICATION OF

Original testimony Jan 21 1901

Stenog. of application Jan 21 1901

Marriage license

Certificate of marriage

Affidavits of birth

Supplemental testimony Feb 4 1901

Cher D 1059

Cher D 1059

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., JANUARY 22nd, 1901.

IN THE MATTER OF THE APPLICATION OF Sarilda Scott for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A Sarilda Scott.
Q What is your age? A Fifty eight.
Q What is your Postoffice address? A Bennett.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir, adopted.
Q Whom do you desire to enroll? A Myself.
Q Any one else? A No sir.
Q What is your husband's name? A Headrick.
Q What is his full name? A William Headrick.
Q When did you marry him? Over twenty years ago?
A No sir, I guess my certificate tells when that was.
Q Sixth day of September, 1883? A Yes sir.
Q Is he living? A Yes sir.
Q Are you divorced from him? A Yes sir.
Q What is your present husband's name? Is he your last husband?
A Yes sir.
Q You said your name was Scott? A I took my old name back.
Q What was Scott's first name? A Mortimer B.
Q A white man? A Yes sir.
Q After being divorced from him, you married Headrick? A No sir, my first husband - Scott - died.
Q And after his death you married Headrick? A Yes sir.
Q He was a Cherokee by blood? A Yes sir.
Q From him you are now divorced? A Yes sir.
Q You are a white person yourself? A Yes sir.
Q And William Headrick is living? A Yes sir.

(1880 Roll, Page 22, #622, William Hedricks, Canadian D'st)

Q How old is William Headrick now; about?
A I am sure I can not tell you.
Q In the neighborhood of fifty? A Yes sir, I guess so.
Q What was the cause of your divorce? A I can not tell you; he just got up and left.
Q He left you? A Yes sir. He sued me for divorce and his lawyer and mine told me - he wanted to make a compromise, and I did not want to make a compromise, but finally my lawyer and his persuaded me to make a compromise: I told them if they would grant me my citizenship I would do it.
Q He left you, did he? A Yes sir, for no cause whatever.
Q Has he married since? A A half a dozen times.
Q Have you always lived in the Cherokee Nation? A I have been here I expect about twenty five years.
Q You have not remarried? A No sir.
Q Have you a copy of the divorce? A No sir, I have not.
Q Where was the divorce obtained? A At Webbers Falls.
Q In the Indian Court? A Yes sir.

By Mr. J. L. Baugh, Cherokee Represenative:
Q How long did you and Mr. Headrick live together?
A About eighteen months.

Com'r. T. B. Needles:
Q You were married in 1883? A Yes sir, as near as I can remember about it - something between fourteen and eighteen months, I do not remember exactly.

Q He applied for the divorce, did he? A Yes sir.
Q Have you some witnesses you want to introduce? A Yes sir, she can be sworn.

Harriet McPherson, being sworn and examined by Commissioner, T. B. Needles, testified as follows:
Q What is your name? A Harriet McPherson.
Q What is your age? A Sixty nine.
Q Your Postoffice? A Bennett.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you know Sarilda Scott here? A Yes sir.
Q Do you know William Headrick, her husband? A Yes sir.
Q Do you know the case of her divorce? A Just a little childish thing that happened among the children is all I know about it.
Q Did they have any children at that time? A No sir, a little boy she raised and his boy.
Q He had been married before, had he? A Yes sir.
Q Did he leave her or did she leave him? A He went right off that day and left here and never came back.

By Mr. J. L. Baugh, Cherokee Representative:
Q Was this her child she was raising, or an orphan? A No sir, it was a Cherokee boy - an orphan.

(1896 Roll, Page 93, #269, Sarilda Scott, Canadian District)

By Mr. J. L. Baugh, Cherokee Representative:
Q Was that divorce granted before 1896? A Yes sir, three or four years I guess.

Com'r. T. B. Needles:
Q After your separation? A Yes sir.
Q When was the divorce granted? A I do not remember what year it was.
Q Who was your lawyer? A Stand Gray.
Q Is he living? A No sir.
Q Who was his lawyer? A Cornelius Boudinot.
Q He is dead too? A Yes sir.

Com'r. T. B. Needles: The name of Sarilda Scott is found upon the census roll of 1896, and she presents satisfactory proof of her marriage to one, William Headrick, a Cherokee citizen by blood, in the year 1883, and the name of William Headrick is found upon the authenticated roll of 1880, according to the page and number of the rolls as indicated in the testimony. The applicant avers that she was divorced by agreement from the said Headrick, and that said Headrick abandoned her about eighteen months after her marriage: She makes satisfactory proof as to her residence. By reason of divorce, final judgment as to the enrollment of the said Sarilda Scott as a Cherokee citizen by intermarriage will be suspended, and her name will be placed on a doubtful card. She will be required to file with the Commission a certified copy of the decree of divorce, to become a part of the testimony in this case.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of January, 1901.

COMMISSIONER.

1068

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 23 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CANADIAN.

CHEROKEES BY BLOOD AND ADOPTION.

58) Date JAN 22 1901 1900.

Name Tarilda Scott Bennett Dr.

District CANADIAN. Year 1896 Page 93 No. 269

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Pending

certified Copy of decree of divorce from husband William Hedrick required

R. 1059. B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 22 1901

ACTING CHAIRMAN.

Record of marriages.

Cherokee Nation,)

Canadian District)

Medrich & Scott,

On the 6th day of Sept. 1883 by Abe Woodall Judge of District Court of said District [illegible] Medrich to Mrs. Dr. Scott of U.S.

[illegible] Clerk.

[illegible]

B. W. Alberty

D 1059 C

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 22 1901

ACTING CHAIRMAN

Executive Office Cherokee Nation,

Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that I have examined the records of Canadian District Cherokee Nation to find record of divorce decree in case Wm.Headrick vs.Sarilda Headrick,but fail to find any record of such decree;the said records of Canadian Dist. are filed in this Office by law and are in my custody.

Given under my hand and the seal of the Cherokee Nation this the 6th day of February 1901.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation.

R

C. D-1059

Department of the Interir,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Sarilda Scott for the enrollment of herself as a Cherokee citizen.

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission atits offices in Muskogee, Indian Territory, on the 15th day of March,1902; Receipt has been acknowledged of the Commission's letter. Applicant this day, to-wit: the 15th dayof March,1902, appears in person.

The Cherokee Nation makes satisfactory proof of service on said Sarilda Scott that it would by its representatives introduce testimony before the Commission at its offices in Muskogee, Indian Territory on the 15th day of March,1902, tending to disprove her right to be enrolled as a citizen of the Cherokee Nation.

SARILDA SCOTT, being first duly sworn, and being examined, testified as follows:
BY COMMISSION:
Q Whatis your name? A Sarilda Scott.
Q How old are you? A 58.
Q What is your post-office address?A Bennett.
Q You are an applicant before the Commission for enrollment as a citizenof the Cherokee Nation? A Yes sir.
Q Is there any statement you desire to make relative to your enrollment as a citizen? A Well no, only when I was here last winter or winter before last, Mr. Needles put me on the doubtful list because I hadn't any certificate of the divorde case.
Q Have you that with you now? A Yes sir.
Q Let me see it? A (Produces papers.)
BY COMMISSION: There is offered in evidence by the applicant a certificate from the Assistant Executive Secretary of the Cherokee Nation, bearing date of February 6,1901, certifying that he examined the records of the district courts in his possession and fails to find any record of the decree of divorce in the case of William Headrick versus Sarilda Headrick. Same is filed here with and made a part of the record.
Q Have you any further statement you desire to make? A No, I don't know as there is.

WILLIAM HEADRICK, being first duly sworn and being examined testified as follows: ON BEHALF OF CHEROKEE NATION:
BY MR. HASTINGS:
Q What is your name? A William Headrick.
Q Whatis your age? A 56.
Q What is your post-office? A Texanna.
Q You were ~~a witness~~ once the husband of this woman here, you were married to her, were you? A Yes sir.
Q You separated from her? A Yes sir.
Q Did you get a divorce from her? A Yes sir.
Q Who brought the suit for the divorce? A I did.
Q Where at? A Webbers Falls, Cherokee Nation.
Q Was that divorce granted to you? A Yes sir.

Q You remember when it was?A I don't know just exactly when it was.
Q You brought the suit did you? A Yes sir.
Q What grounds did you set up? A Cruel treatment.
Q Who was your lawyer? A Cornelius Boudinot and Jim Sevier.
Q Did you get that divorce before you married your last time?A Yes sir.

Applicant, SARILDA SCOTT, re-called and further examined, testified as follows:
BY COMMISSION:
Q You want to ask him any questions? A I would like to know where the cruel treatment come from; that's all I want to ask him.
Q What was your treatment to him prior to the divorce? A Why it was always good enough; I understood that he claimed I mistreadted his boy; I don't know how I could have mistreated his boy; I never did lay the weight of my hand on him, neither in anger or anything else.
Q Were you ever abusive towards this man, in your treatment? A No, not at all; he knows that.
Q When the separation took place did he leave the house or did you leave? A He left it.
Q Did you continue to live there? A Yes sir.
Q How long? A I don't know how long.
Q Was that your property? A Yes sir.
Q What became of it? A Oh there was very littleof it anyway.
Q Well whatbecame of it? A Well we just lived on it.
Q You still living on it? A No sir.
Q This man always suppert you as he should have supported you? A No sir, that is one thing he has toldaround among the neighbors; if I had my witnesses I could prove that, but I haven't got them. He said the reason he left me was because he couldn't support me as I had always been supportedbefore. He never told it to me, but I can prove that he told it to others.
BY MR. HASTINGS:
Q You testified before that you got the divorce? A No sir, I didn't; that is a mistake, I didn't do it.
Q He brought the suit and got it? A Yes sir.

WILLIAM HEADRICK, re-called and further examined, testified as follows:
BY MR. HASTINGS:
Q You heard this woman say she always treated you and your child all right, how about that? A My boy was drove off.
Q Say she drove your boy off did she? A Yes sir.
Q How long did you live withher? A I stayed there about two months after my boy left.
Q How long had you lived with her altogether? A About 18 months.
QUESTIONED BY APPLICANT:
Q What did I say to him when I drove him off, do you know?
A She said that was not his home; one morning she got up with a stick of stove wood, she was going to beat him, and I says to her, I says, that is not the way to whip children, I will get you a switch if there is anything going on wrong, go and get you a switch and whip them, and she says, this is not his home noway, I want him away from here.
BY COMMISSION:
Q How old was this boy when you say she drove him away? A He was about nine orten years old.
Q Did she actually drive him away? A Yes, my brother come andItaken him to my brother's.
Q Did he ever come back while you lived with this woman? A Never did.

Applicant,SARILDA SCOTT, being re-called and further examined, testified as follows:
BY COMMISSION:

Q You have heard the statement he made, what have you got to say about it? A I say he told a falsehood; he took the boy away of his own free will and accord; I didn't tell him to take the boy off; I tried to get him to take him back and he wouldn't; he mistreated that boy as I told you, and I says, why don't you pick up a stick of wood and knock him down? That is what I said; it was not me that picked up a stick of wood.
Q Is there any further statement you want to make about your case?
A That's all.
Q You submit it to the Commission for final consideration?
A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case; same is deemed completed and will be reported to the Commission for final decision, based upon the evidence now of record.

---o---o---

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

DEPARTMENT
COMMISSION TO The
FIL
MAR 20 1
ACTING CHAIRMAN

N-1838.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 17, 1902.

In the matter of the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO N-1838.

APPEARANCES:
Applicant in person.
W. W. Hastings for Cherokee Nation.

COMMISSION: The applicant in this case was notified by registered letter June 4, 1902, to furnish the Commission, on or before June 19, 1902, with a certificate of her marriage to her former husband, William Headrick, also with a certified copy of the decree of divorce from the said William Headrick.

SARILDA SCOTT, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Sarilda Scott.
Q How old are you? A 58.
Q What is your postoffice address? A Bennett.
Q You are an applicant before the Commission for enrollment as a citizen by intermarriage? A Yes, sir.
Q What was the name of your first husband? A Mortimer B. Scott.
Q Is that the name of your first husband? A Yes, sir.
Q What was the name of your second husband? A William Headrick.
Q Is William Headrick living or dead? A He's living I guess; was the last time I heard of him.
Q Was your first husband a Cherokee or a white man? A He was a white man.
Q Was he living when you were married to Headrick? A No, sir.

There is offered in evidence a certified copy of the record of marriages in Canadian District, Cherokee Nation, showing that on the 6th day of September, 1865, William Headrick and Mrs. Dr. Scott were united in matrimony by Abe Woodall, Judge of the District Court of said district. This is filed herewith and made a part of the record.

Arthur G. Gromnger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Gromnger

Subscribed and sworn to before me this 23rd day of June, 1902.

F. A. Dexter
Notary Public.

Cherokee Nation, (
(Record of marriages.
Canadian Dist. (

Hedrich & Scott

On the 6th day of Sept .1883
by Abe Woodall judge of District Court of said District Wm. Headrich,
to Mrs.Dr.Scott of U.S.

H.J.Vann,Clerk.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy from the record of marriages of Canadian District Cherokee Nation,now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 16th day of June 1902.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

D 1059.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 12 1902
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 14th, 1902.

In the matter of the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-1059

Cherokee Nation appears by J. C. Starr.

SARILDA SCOTT, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Sarilda Scott.
Q. How old are you? A. 59.
Q. What is your post office? A. Bennett.
Q. Are you a white woman? A. Yes, sir.
Q. You are claiming as an intermarried citizen, are you?
A. Yes, sir.
Q. What is the name of the husband through whom you claim citizenship? A. William Headrick.
Q. Is he living? A. Yes, sir.
Q. When were you married to him? A. Been married about 13 or 14 years.
Q. You say your husband is living? A. Yes, sir.
Q. How come you to be named Scott? A. I just took my old name back. We had a divorce. I supposed we did have a divorce. He sued for a divorce.
Q. You married him when? A. I don't just remember. 13 or 14 years.
Q. Was he the first husband you ever had? A. No, sir.
Q. You have been married before? A. Yes, sir.
Q. Was your first husband a Cherokee or white man? A. White man.
Q. Was he dead before you married Headrick? A. Yes, sir.
Q. Was he married before he married you? A. No, sir.
Q. You are his first wife? A. Yes, sir.
Q. How long did you live with Headrick? A. A little over a year.
Q. Then separated? A. He left me.
Q. Why did he leave you? A. I don't know. He got tired I guess. That is what he said. I think he has been married a half a dozen times and didn't stay with any of them very long.
Q. You say he has been married half a dozen times? A. That is what I heard.
Q. Did you know that before you married him? A. No, sir.
Q. Do you know the truth about that? A. No, sir; I don't.
Q. Who married you? A. Judge Woodall.
Q. Have you a certificate? A. They have got it here.
Q. You lived with your husband about a year before he left you?
A. Probably 13 or 14 months.
Q. Did he tell you why he left? A. No.
Q. Where did he go? A. He went 4 or 5 miles off.
Q. Did you try to get him back? A. Yes, sir.
Q. He wouldn't come? A. No, sir.
Q. You have never lived with him since that time? A. No, sir; I have never lived with him since that time.
Q. Are you divorced? A. No, sir. I thought so but Mr. Alberty says there was no divorce recorded. He sent me a letter. They have got it here. There was no divorce.

Q. I understand he sued for a divorce? A. Yes, sir.
Q. Did he have the papers served on you? A. Yes, sir.
Q. Do you know whether the case was tried? A. I thought it was tried but it wasn't.
Q. It was dismissed? Do you know? A. It was dismissed.
Q. By him? A. By the lawyers.
Q. You never sued him for a divorce? A. No, sir.
Q. Have you married since then? A. No, sir.
Q. You took back your old name? A. Yes, sir; I took back my old name. I supposed I had a divorce from him and didn't want to wear his old name.
Q. Did you ever give him any cause to leave you? A. No, sir.
Q. You conducted yourself as a faithful wife, did you?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation--ever since you married your husband? A. Yes, sir.
Q. Made it your home all the time? A. Yes, sir.

Examination by Mr. Starr.

Q. What is the name of your first husband? A. Mortimer B. Svott.
Q. Where were you married to him? A. In St. Louis.
Q. When? A. I think it was '59.
Q. Where did you and he live after you were married?
A. We lived in Illinois part of the time, part of the time in Missouri and part of the time in the Cherokee Nation.
Q. Is he dead? A. Yes, sir.
Q. Did you live with him until he died? A. Yes, sir.
Q. Where were you and he living when he died? A. Living in the Cherokee Nation but he died in Eureka Springs, Arkansas. He was there for his health. He died after he got there.
Q. When did he die? A. '81.
Q. How many times had William Headrick been married before you married him? A. I couldn't tell you that. Two or three times, though.
Q. What was the name of his first wife? A. I don't know. Owens was the name of one of them.
Q. Did he live with her until she died? A. I think he did.
Q. Where were they living when she died? A. There at Texanna, Cherokee Nation.
Q. What is the name of his second wife? A. I don't know what it was. I don't remember.
Q. What became of her? A. He quit her on her death bed. He went off and left her.
Q. Who did he marry next? A. Me.
Q. Was this second wife dead when he married you? A. Yes, sir.
Q. You know that of your own knowledge? A. Yes, sir; she was dead.
Q. Was his first wife dead when he married you? A. Yes, sir; she was dead.
Q. Where did the first wife die? A. Right close to us in Texanna.
Q. Where did his second wife die? A. She died, do you know----- Earbob, that was her name. She died. She died of consumption.
Q. She died before you married him? A. Yes, sir.
Q. Where did you live before you and he separated? A. There at Texanna.
Q. Live in town? A. No, not in Texanna.
Q. Did you have a home of your own? A. Yes, sir. It was my sons place. Just called it my home while I lived there.
Q. Wasn't Headrick's home there? A. No, sir.
Q. Just rented? A. No, it wasn't a rented place.
Q. Who lived there with you? A. Just my two boys.
Q. What was the cause of this separation? A . Well, sir; you

will have to ask him. I don't know what he says.
Q. Where did he go when he left there? A. I don't know where he went to. Just went around the neighborhood there.
Q. To whose house? A. I think he went to Manning's. I won't be certain.
Q. How long did he stay there? A. Well, I couldn't tell. I don't know.
Q. Where did you stay after he left? A. Stayed at home.
Q. How long did you continue to stay there? A. Oh, well--- I don't know. Quite a while. After him and me married we bought that place where we was living at first, me and my two boys.
Q. You didn't run Headrick off? A. No, sir; he run himself off.

IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 12th day of December, 1902.

B. A. Jones
Notary Public.

COMM.38
DEC
CHAIRMAN

Cherokee D-1059.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
---o---

In the matter of the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.
-- -- -- -- -- -- -- --

DECISION.

The record in this case shows that on January 22, 1901, Sarilda Scott appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, 1902, on June 17, 1902, and again on October 14, 1902.

The evidence in this case shows that Sarilda Scott, a white woman, was lawfully married on September 6, 1883, to William Headrick, a Cherokee by blood, who is identified on the Cherokee Authenticated Tribal Roll of 1880. A short time after their marriage, William Headrick left his said wife, Sarilda, and she took again the name of her former husband, whose name was Scott. Sarilda Scott is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Sarilda Scott has lived in the Cherokee Nation since about 1876 and lived therein with her said husband until their separation, and has continued to live therein and had not remarried up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Sarilda Scott should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 30 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 7th.,1903.

IN THE MATTER OF THE APPLICATION OF SARILDA SCOTT FOR ENROLLMENT AS A CITIZEN OF THE CHEROKEE NATION BY INTER-MARRIAGE.

Cherokee D--1039

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on January 30th, 1903, in the above case, and asks that the same beforwarded to the Hon. Secretary of the Interior for review.

The testimony in this case shows that the applicant is a white woman; that she was at one time married to one William Hedrick, a Cherokee by blood; that the said William Hedrick obtained a judgment for a divorce against the said Sarilda Scott in the Cherokee Court having jurisdiction over said case; that while a certified copy of this divorce is not filed, yet both parties admit it, and both admit that Hedrick obtained the divorce upon the ground of extreme cruelty. The testimony further shows that they lived together only about eighteen months. We believe, as has been decided by numerous cases in the Circuit Court of Appeals for the Eighth Circuit,---notably the case of Mehlin vs. Ice, 56 Federal Rep. 12, and also in the case of Stanley vs. Roberts, 50 Federal Rep., 836, that judgments of the courts of the Cherokee Nation stand on the same footing with those of Federal and Territorial Courts, and are entitled to the same faith and credit.

There must have been some cause for this separation, and Hedrick swears that it was of because of extreme cruelty, and therefore,enforced abandonment; and the courts so decreed; and we believe that under Section 667 of the Compiled Laws of the Cherokee Nation that this woman should not be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

Attorneys for the Cherokee Nation.

ATTORNEYS:
W. W HASTINGS. Tahlequah, I. T
J L BAUGH. Chouteau, I T

STENOGRAPHER:
J C STARR. Vinita, I T

MARSHALS:
JOHN PARKS Vinita I T
W B WYLY Tahlequah, I T

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....1059.

Muskogee,
~~Muskogee~~ Ind. Ter., Jan. 7, 1902.

Mr. B. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please look up the Canadian District Records and send me a certified copy of the Decree of Divorce obtained by William Headrick against his wife Sarilda. This Decree of Divorce was obtained in Canadian District some 12 or 15 years ago. Her name now is Sarilda Scott, D. Card #1059.

Yours truly,

W. W. Hastings

Mr. Hastings:

The Canadian records do not show anything of divorce case of William Headrick vs. Sarilda, his wife. I have examined these records from 1883 to 1893; and those names do not show on the dockets. I made a search for this case about a year ago, and then failed to find it - as now.

B. W. Alberty
Assistant Ex. Secretary
Cher. Nation

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902

Mrs. Sarilda Scott,

Bennett, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of your decree of divorce or of any agreement made in connection therewith.

Cherokee D-1059
Register.

Yours truly,

xxxxxxxxxxxx
Acting Chairman.
Commissioner in Charge.

FILED
OCT 28 1962

ACTING CHAIRMAN

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

J. C. Starr

NOTICE!

IN THE MATTER OF the application of .....
for enrollment as Cherokee citizens:
Case No. D
To ..... :

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

N. W. Harris

.....

Attorneys for the Cherokee Nation.

D. ....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.... day of .... A. D. 190 .

Given under my hand this ....

day of..... ....A. D. 190

....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.... day of .... , 190 .

....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

....

on the ..... day of ..... A. D. 190

....

Subscribed and sworn to before me this ....

....

Notary Public.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Lulda Scott for enrollment as a Cherokee Freedman.

No. C. D. 1057

W. H. Martin, of lawful age, being duly sworn on oath states that on the 7th day of March, A. D., 1902, he registered to Lulda Scott whose postoffice is Tahlequah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Muskogee Indian Territory; and that on the 10 day of March, 1902, he received the return card which is hereto attached, signed by the said Lulda Scott by Jno Scott, showing that he had received said notice.

W. H. Martin

Subscribed and sworn to before me on this the 10th day of March A. D. 1902.

J. C. Starr
Notary Public.

C.D. 1059. E #1059

MISSION TO THE UNITED STATES,

FILED

MAR 13 1902

ACTING CHAIRMAN.

~~C.D. 1059~~

Muskogee, Indian Territory, June 4, 1902.

Mrs. Sarilda Scott,

Bennett, Indian Territory.

Madam:

You are required to supply this Commission with your Cherokee marriage license and the certificate of your marriage to your husband, William Headrick, or certified copies thereof, and also with a certified copy of the decree of divorce from your husband, William Headrick, before June 19, 1902.

This evidence is important in the further consideration of the matter of the application for your enrollment as a citizen of the Cherokee Nation.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee D 1059.
Register.

COPY.

Cherokee D-1069

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-4174

Vinita, Indian Territory, February 17, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of February 13, the original jackets and records in the following applications for enrollment as citizens of the Cherokee Nation are transmitted herewith:

D- 20, Sarah A. Niemeyer, et al.,
D- 261, Theophilus Parker, et al.,
D-1039, Sarilda Scott,
D- 904, James Duncan,
D- 387, Hiram Blackfish,
D- 370, Susan L. Brown, et al.

Respectfully,

Clerk in Charge.

Encl-S-3

GRS

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1059

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 30, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 9, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

COPY.

Cherokee D-1059

Muskogee, Indian Territory, February 24, 1903.

Sarilda Scott,

Bennett, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a co y of the Commission's decision, dated January 30, 1903, granting your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

Enc. M-131

Register.

COPY.

Cherokee D-1059

Muskogee, Indian Territory, February 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings has in the matter of the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 30, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Chairman.

Enc. M-2131

Through the

Commissioner of Indian Affairs.

(Copy)

Refer in reply to the following:

LAND
13780- 1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commission to the Five Civilized Tribes, dated February 24, 1903, relative to the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 30, 1903, granting the application.

A copy of the protest of the Cherokee Nation against the action of the Commission in this case is enclosed.

The applicant herein claims the right to enrollment as a Cherokee citizen by intermarriage by reason of her marriage on September 6, 1883, to William Headrick, a Cherokee by blood, who is identified on the Cherokee authenticated roll of 1880.

Under the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al. vs. The United States, the applicant, having married after November 1, 1875, is not entitled to enrollment, and it is recommended that her application be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

(COPY) J.W.G. J.C.H.

DEPARTMENT OF THE INTERIOR,

DIRECT. WASHINGTON.

I.T.D. 2396-1907.
D.C. 8831-1907.

February 12, 1907.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 24, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Sarilda Scott for the enrolment as a citizen by intermarriage of the Cherokee Nation, together with its decision granting said application.

Reporting February 4, 1907 (Land 13780-1903), the Indian Office recommends that said decision be reversed. Copy of its letter is inclosed.

As the applicant was not married to a Cherokee citizen unt until September 6, 1883, she is not entitled to enrolment under the decision of the Supreme Court of the United States in the case of David Redbird, et al, vs. the U. S. The decision of the Commission is hereby reversed and the application is denied.

Respectfully,

Thos Ryan

First Assistant Secretary

1 inclosure.

3 inc. and carbon copy to Ind. O.

HJC

Commissioner.

Cherokee
D 1059.

Muskogee, Indian Territory, February 20, 1907.

Sarilda Scott,

Bennett, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior, February 12, 1907, and your application for enrollment was denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-121.
HJC

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application for the enrollment of Sarilda Scott as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior February 12, 1907, and her application for enrollment was denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.HJ-22.
HJC

R 1059

Orig. of testimony Jan 22 1901

Memo of application Jan 22 1901

Certified copy of marriage records

[illegible] 1902

3182

Cher D 1060

Cher D 1060

DOUBTFUL AS TO APPLICANT'S WIFE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 23rd, 1901.

IN THE MATTER OF THE APPLICATION OF William D. Brewer for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A William D. Brewer.
Q How old are you? A Forty three.
Q What is your Postoffice address? A Muskogee.
Q What district do you live in? A Canadian District is where I belong.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Whom do you desire to enroll? A Myself and five children; my wife, she's adopted.
Q Yourself, wife and five children? A Yes sir.
Q What is the name of your wife? A Nellie.
Q Is she a citizen by blood? A No sir, adopted.
Q When did you marry her? A In '82.
Q What is her age? A She's thirty six years old.
Q Have you any certificate of marriage? A Yes sir.
Q Please present it? A It is at home.
Q What are the names of your children? A Pearl is the oldest one.
Q Any middle name? A No sir.
Q How old is Pearl? A She's seventeen years old.
Q Next one? A Alfred.
Q How old is Alfred? A I think he is thirteen.
Q Has he any middle name? A No sir.
Q What is the next child's name? A Nellie.
Q How old is Nellie? A She's about nine years old.
Q What is the name of the next one? A Edith.
Q How old? A Five in March.
Q Next one? A Earl.
Q How old is Earl? A Same age.
Q Twins, are they? A Yes sir.
Q Next child? A That is all.
Q Five? A Yes sir.
Q Are you on the roll of 1880? A No sir, I can show you my papers where I was readmitted.

Com'r. T. B. Needles: The applicant presents a certified copy of an Act of the Cherokee Council, admitting himself and family to Cherokee citizenship, said Act being approved by T. M. Buffington, President of the Senate, November 11th, 1892 and C. J. Harris, Principal Chief, the correctness of the copy being certified to by A. B. Cunningham, assistant executive secretary: Said Act admites, William D. Brewer, Pearl, Alfred and Nellie Brewer.

(1896 Roll, Page 844, #294, William D. Brewer, Illinois D'st)
(1896 Roll, Page 926, #27, Nellie Brewer, Illinois District)
(1896 Roll, Page 844, #295, Pearlie S. Brewer, Illinois D'st)
(1896 Roll, Page 844, #296, Alfred Brewer, Illinois D'st)
(1896 Roll, Page 844, #297, Nellie Brewer, Illinois District)
(1896 Roll, Page 844, #298, Earl Brewer, Illinois District)
(1896 Roll, Page 844, #299, Edith Brewer, Illinois District)

Q Is Pearl's name Pearl S.? A I guess that is right.
Q Are these children all living now with you? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A Born in the Cherokee Nation.
Q You live now in the Creek Nation, do you? A Yes sir, live partly in the Creek Nation.
Q Have you property in the Cherokee Nation? A Yes sir, in two different places.

Q How long has your residence been in the Creek Nation: Is your family here? A Yes sir.
Q Are you living here? A Yes sir.
Q Keeping house? A Yes sir, for about eight years.
Q Have you ever exercised citizenship in the Creek Nation?
A No sir.
Q Do you always vote in the Cherokee Nation? A Yes sir.
Q Are you and your wife living together at this time? A Yes sir.
Q Have you lived together continuously since your marriage?
A Yes sir.
Q Were you married before you were admitted to citizenship?
A Yes sir.
Q Have you ever been married according to the laws of the Cherokee Nation since you were married? A No sir.

Com'r. T. B. Needles: The name of William D. Brewer appearsupon the census roll of 1896 and he makes satisfactory proof of having been admitted to Cherokee citizenship by an Act of the Cherokee Council: The names of his children, Pearl S., Alfred, Nellie, Earl and Edith Brewer are found upon the census roll of 1896: They are all duly identified and make satisfactory proof of residence, consequently, the said William D. Brewer and his children as enumerated herein will be listed for enrollment as Cherokee citizens by blood: The name of his wife, Nellie Brewer appears upon the census roll of 1896: It appears from the testimony that the said William D. Brewer was married to his wife before his admittance to citizenship, and from the further fact that her name does not appear in the certificate of admission, the testimony showing that he has not been married to his wife according to the laws of the Cherokee Nation since his admission, final judgment as to the enrollment of his wife, Nellie Brewer as a citizen by intermarriage of the Cherokee Nation will be suspended and her name will be placed upon a doubtful card. In order to complete the enrollment of said Nellie Brewer, it will be necessary for the applicants to file with this Commission satisfactory proof as to his marriage.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of January, 1901.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 23 1901

ACTING CHAIRMAN.

10

R

C. D-1060

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the applicationof Nellie Brewer for the enrollment of herself as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that her application for enrollment as a Cherokee citizen would be taken up for final consideration by the Commission on the 15th day of March,1902, and that on said date she might appear either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application.

Receipt has been acknowledged of the Commission's letter and on this the 15th dayof March,1902, applicant having been called and failing to respond either in person or by attorney, this case is deemed completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

D1060

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nellie Brewer as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 23, 1901, William D. Brewer appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of his wife, Nellie Brewer, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on September 25, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Nellie Brewer, a white woman, was lawfully married on July 2, 1892, to William D. Brewer, a Cherokee by blood, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on November 1, 1892. There is evidently a mistake in the marriage certificate, the year of the marriage being therein written "1902". The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Owens and Eliza Carson vs. W. A. Carson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The said Nellie Brewer is identified on the Cherokee census roll of 1896. The evidence further shows that the said Nellie Brewer has lived with her said husband in Indian Territory continuously from the time of her marriage to the date hereof, September 1, 1902.

It is, therefore, the opinion of this Commission that Nellie Brewer should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section two hundred and forty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

[illegible] FIVE CIVILIZED TRIBES.

[illegible]

Acting Commissioner.

[illegible]

Commissioner.

[illegible]

Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible]

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE
—
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1060.

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of William D. Brewer for the enrollment of his wife, Nellie Brewer, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-11.

R 1060

IN THE MATTER OF THE APPLICATION OF

[illegible]

[illegible]

Originally filed on Jan 22 1901

Filed on appeal on Jan 22-190[illegible]

[illegible] decision 3/12/0[illegible]

Cher D 1061

Cher D 1061

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 10, 1900.

In the matter of the application of Pleasant Henry Hiller for the enrollment of himself and children by blood and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Pleasant Henry Hiller.
Q What is your age? A 30 years.
Q What is your post office address? A Webber Falls.
Q For who do you apply for enrollment? A For myself and family.
Q Yourself and wife? A Yes, sir, myself and children.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Your name appears on the authenticated roll? A Yes, sir.
Q What district do you live in? A Canadian.
Q How long have you lived there? A I have lived there only about ten months now.
Q Where did you live before that? A Coweescoowee.
Q How long did you live there? A Three years.
Q What district did you live in before that? A Illinois.
Q How long did you live there? A I lived in Canadian before that.
Q How long have you lived continuously in the Cherokee Nation?
A About ten or eleven years.
Q What is the name of your father? A James Hiller.
Q Is he living? A No, sir.
Q Was he a citizen by blood? A No, sir.
Q What is the name of your mother? A Sarah Hiller.
Q Is she living? A Yes, sir.
Q Is she a citizen by blood? A Yes, sir.
Q Does your name appear upon the authenticated roll of land?
A No, sir.
Q By what right do you claim citizenship? A (Presents certificate of citizenship.)
Q You produce a certificate of citizenship issued by the Committee on Citizenship on June 6, 1898, signed by William P. Ross, Chairman of the Committee on Citizenship, attested by R. W. Wilson, Assistant Clerk of the Committee, approved and endorsed by J. B. Mays, Principal Chief, under the great seal of the Cherokee Nation. In this certificate the presented name of Pleasant Henry Hiller, are you the identified person that is named in this certificate as Pleasant Henry Hiller?
A Yes, sir.
Q Where were you living on June 6, 1896? A Living in Arkansas.
Q When did you come from Arkansas to the Cherokee Nation? A I came in August, 1898.
Q And you have been residing in the Cherokee Nation, as I understand, from that time to this? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Ada Hiller.
Q Is she a citizen of the Cherokee Nation? A No, sir, she is a non citizen.
Q Have you a certificate of marriage? A No, sir.
Q What proof have you got of your marriage to Ada Hiller?
A I haven't any, only my children; her father and brother that seen us married is here.
Q Where were you married? A In Arkansas.
Q Under the laws of Arkansas? A Yes, sir.
Q Haven't you got a certificate of marriage over there? A No, sir.
Q When were you married? A I was married in 1888.
Q Have you any children? A Yes, sir.
Q What is the name of the oldest child you have got living at home? A Frances Elizabeth.

Q How old is she? A 10 years old.
Q What is the name of the next one? A Ethe Myrtle, 7 years old.
Q What is the name of the next one? A George Washington, 5 years old.
Q What is the name of the next one? A Louisa, 2 years old.
Q What is the name of the next one? A John Thomas, 5 months old.
Q Are these children all alive and living with you? A Yes, sir.
Q What district were you in in 1896? A Canadian.
(On 1896 roll, page 49, No. 1344, Henry Miller, Canadian district. Ada Belle Miller on 1896 roll, page 91, No. 205, Addie E. Miller, Canadian district. Frances E. Miller on 1896 roll, page 1345, Elizabeth Miller, Canadian district. Ethe Myrtle Miller on 1896 roll, page 49, No. 1346, Effie C. Miller, Canadian district. George Washington Miller on 1896 roll, page 49, No. 1347, George W. Miller, Canadian district. Pleasant Henry Miller on 1894 roll, page 65, No. 1394, Henry Miller, Canadian district. Frances Elizabeth Miller on 1894 roll, page 65, No. 1395, Francis E. Miller, Canadian district. Ethe Myrtle Miller on 1894 roll, page 65, No. 1396, Etha Miller, Canadian district.)
Q You will have to send and get your certificate of marriage from that county clerk and file it before your wife or children will be admitted. Were you married in 1889? A Yes, sir.
Q What time in 1889? A In January.

The name of Pleasant H. Miller appearing upon the Census roll of 1896 and the pay roll of 1894, and he presenting a certificate of citizenship, in which he was admitted to citizenship in the Cherokee Nation on June 6, 1889, said certificate being described in the testimony, and he, averring that he was married to Ada Belle Miller, his wife, in the State of Arkansas, in the year 1889, and the name of his said wife Ada appearing upon the Census roll of 1896. He avers that the result of said marriage is five children, Frances E., whose names appears upon the census roll of 1896 and the pay roll of 1894, Ethe M. and George W., whose names appear upon said rolls; the names of his two children Louisa and John T. do not appear upon the said rolls or any of they, they having been born since said rolls were completed. The said Pleasant Henry Miller will be listed for enrollment as a Cherokee citizen by blood, and his five children will be listed for enrollment by this Commission as Cherokee citizens by blood when he filed his marriage license and certificate with this Commission. It will be necessary in order to complete the enrollment for his two children Louisa and John T., that he file with the Commission the necessary proof of their birth.

It appears from the testimony that he was married in January, 1889, and that he was admitted to citizenship on the 6th day of June, 1889, and his marriage being consummated before he was admitted, and the name of his wife not appearing in the said certificate of admission, his said wife cannot be admitted to citizenship.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones
XXXXXXXXXXXXXXXXXXXX

Sworn to and subscribed before me this the 17th day of August, 1900.

[illegible]
Commissioner.

A 1061

106,

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
AUG 17 1900

Acting Chairman

#1238.
D. #1061.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, I.T., JANUARY 24th, 1901.

SUPPLEMENTAL TESTIMONY TO GO WITH CARD "D" #1061 AND #1238:

On the 10th day of August, 1900, Pleasant K. Miller appeared before the Commission and applied for the enrollment of himself, wife and five children. It appears from his testimony that his wife is a white woman and that he was married to her in January, 1889, and that he was admitted to citizenship in the Cherokee Nation on the 6th day of June, 1889 It also appears that through an error on the part of the memoranda clerk, she was listed for enrollment as a citizen by blood upon a regular Cherokee card. For the reason that she was married six months before her husband was admitted to citizenship in the Cherokee Nation, she should be properly listed for enrollment as a citizen by intermarriage upon what is known as a doubtful card, and her name is ordered transferred from regular Cherokee card #1235 to Cherokee doubtful card #1061.

COMMISSIONER.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the foregoing "order", and that the above is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of January, 1901.

COMMISSIONER.

1061

DEPARTMENT OF THE INT[illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 25 1901

ACTING CHAIRMA[illegible]

R

C. D-1061

Department of the Interir,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Addie B. Miller for the enrollment of herself as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that her application for enrollment as a Cherokee citizen would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March,1902, and that on said date she would be permitted to appear either in personor by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. On this the 15th day of March,1902, applicant having been called and failing to respond either in person or by attorney, this case is deemed ~~sufficient~~ completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I,M.D.Green, do hereby certify that ~~the~~ as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

040061

[illegible] OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

ACTING CHAIRMAN

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 6th, 1902.

In the matter of the application of Addie B. Miller for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-1061.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

ADDIE B. MILLER, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name, please? A. Addie B. Miller.
Q. What is your age at this time? A. 27.
Q. Is your name Addie or Ada? A. Addie.
Q. What is your post office, Mrs. Miller? A. Webbers Falls.
Q. Are you the same Addie B. Miller who made application to this Commission for enrollment as an intermarried citizen on August 10th, 1900? A. Yes, sir.
Q. What is your husband's name? A. Pleasant Henry.
Q. Miller? A. Yes, sir.
Q. Is he living at this time? A. Yes, sir.
Q. Is he a citizen by blood of the Cherokee Nation? A. Yes, sir.
Q. When were you and he married? A. We were married in '89.
Q. Where were you married? A. We were married in Arkansas.
Q. How long after you were married before you came to the Territory?
A. We were married in January and came here in August.
Q. The following August? A. Yes, sir.
Q. Were you ever married prior to your marriage to Mr. Miller?
A. No, sir.
Q. Was he ever married prior to his marriage to you?
A. No, sir.
Q. You are his firstwife? A. Yes, sir.
Q. He is your first husband? A. Yes, sir.
Q. Have you and Mr. Miller lived together all the time since your marriage up to the present time as husband and wife?
A. Yes, sir.
Q. Never was separated? A. No, sir.
Q. You were never married to any other man? A. No, sir.
Q. Were you living together on the first of September, 1902, as husband and wife? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. I have lived here 13 years.
Q. Have you lived in the Cherokee Nation all the time for the last 13 years? A. Yes, sir.
Q. How long has Mr. Miller lived in the Cherokee Nation?
A. I don't know.
Q. Has he lived in the nation for the last 13 years? A. Yes, sir.
Q. How many children have you and he got? A. six.
Q. Are they all living at this time? A. Yes, sir.
Q. Have they lived in the Cherokee Nation all their lives?
A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 4th day of November, 1902.

B. A. Jones
Notary Public.

POOR ORIGINAL -
BEST AVAILABLE COPY

CLERK, SUPREME COURT, U.S.
FILED
NOV 5 19

Enr 41-239

Cherokee D-1061.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Addie B. Miller as a citizen by intermarriage of the Cherokee Nation.

|| || || || || || || ||

DECISION.

--:o:--

The record in this case shows that on August 10, 1900, Pleasant H. Miller appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of his wife, Addie B. Miller, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 24, 1901, and on October 6, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Addie B. Miller, a white woman, was lawfully married on January 6, 1889, to Pleasant H. Miller, a Cherokee by blood, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on June 6, 1889. The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship.

The said Addie B. Miller is identified on the Cherokee Census Roll of 1896.

The evidence further shows that Addie B. Miller has lived with her said husband in the Cherokee Nation continuously since August, 1889, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Addie B. Miller should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEED,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1061.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, d ated December 10, 1902, granting the application of Pleasant H. Miller for the enrollment of his wife, Addie B. Miller, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-239.

Original testimony (August 11 1900
Ff [illegible] licensed & certificate copy.
Supplemental testimony (3) order for
transfer. [illegible]
[illegible] consideration, 3/15/02

Cher D 1062

Cher D 1062

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 23, 1900.

In the matter of the application of George Alexander Brown for the enrollment of himself as a Cherokee by intermarriage, and his wife and children as Cherokees by blood; being sworn and examined by Commissioner Breckenridge, he testified as follows:

Q What is your full name? A George Alexander Brown.
Q What is your age? A I reckon I am about 51.
Q What is your post office? A Braggs.
Q What is your district? A Illinois.
Q Who is it you want to have put on the roll? A Myself and family.
Q How many children? A Seven.
Q Do you apply for yourself as a Cherokee by blood? A No, sir, I am an adopted citizen.
Q Your wife is a Cherokee by blood, is she? A Yes, sir.
Q Have you your marriage license? A Yes, sir, I believe that is it.
(The applicant presents a duly authenticated marriage license under date of September 5, 1883, issued by the Clerk of Canadian district, authorizing his marriage to Miss Quinn Beaty, a Cherokee. The certificate shows that they were united in marriage accordingly under said license by R. C. Parks. It is not stated whether Mr. Parks was a Clergyman or a civil official. The Cherokee representatives were present state that they know him as a minister of the Gospel. It has been duly recorded and is filed herewith.)
Q So you were married in 1883 to Miss Quinn Beaty? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since you were married in 1883? A Yes, sir.
Q And you and your wife have lived together, have you, all the time? A No, sir, we were separated about three years.
Q How long ago? A About 11 years ago I think.
Q Did you get a divorce? A Yes, sir.
Q Did you remarry? A Yes, sir.
Q Have you got a license of that marriage? A No, sir, I didn't have any license to marry the second time.
Q Is it 11 years since you were remarried? A I think it is, I can't exactly tell you.
Q Have you a certificate of your remarriage? A No, sir, I haven't, there is the divorce.
Q Who brought the suit for divorce? A I brought the suit.
(The applicant presents a certificate of divorce, stating that the bonds of matrimony heretofore existing between himself and wife as named are hereby declared to be null and void by decree of Circuit Court of the Canadian district at the regular April Term, 1887, April 25; signed J. M. Lynch, Judge of the Southern Circuit Court of the Cherokee Nation, attested John Smith, Clerk of the Canadian district, under the seal of his office. This will be filed with his application.)
Q This shows that you were divorced some thirteen years ago, in 1887? A Well, that is right.
Q And perhaps you began living together some eleven years ago? A Eleven years ago I think that was.
Q What proof have you now of your remarriage? A There isn't but one witness I don't think, Pickens.
Q You applied for the divorce? A Yes, sir, I applied for the divorce.
Q On what grounds did you apply for the divorce? A Desertion; she quit me and went home and I concluded we had just better have a divorce.
Q She left your house? A Yes, sir.
Q Were you good to her? A Oh yes, she has got no complaint, I don't think.
Q The divorce isn't granted to you; it is just granted without being granted to either one? A Yes, sir.
Q And you never got out a license to remarry? A No, sir.

Q Who here knows that you lived together as husband and wife since that time? A Probably there is a dozen men here.

Joe Irving, being sworn and examined by Commissioner Breckenridge, testified as follows:
Q What is your full name? A Joe Irving.
Q What is your age? A 38.
Q What is your post office? A Braggs.
Q Do you know this applicant here, George A. Brown? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q What is her name? A Quinn Beaty.
Q That was her maiden name? A Yes, sir.
Q They are shown to have been married in 1883; have they been divorced since that time? A That is what I have been told.
Q Did they remarry after they were divorced? A Yes, sir.
Q About how long ago since they remarried? A I don't know, I couldn't tell, it has been a good many years ago, I can't recollect dates.
Q Since they remarried, do you know they lived together as husband and wife? A Yes, sir.
Q And did they live together as husband and wife from the time of their first marriage until the time of their divorce? A Yes, sir.

George Alexander Brown, recalled, testified:
Q What is the name of your father? A Joseph B. Brown.
Q Is he a white man? A White man.
Q Dead or alive? A He is dead.
Q What is the name of your mother? A Aceneth Brown.
Q Is she a white woman? A Yes, sir.
Q Dead or alive? A She is dead.
Q What is the age of your wife? A I think she is about 40 or 41 perhaps.
Q Has she lived in the Cherokee Nation all her life? A I reckon so.
Q Is she on the roll of 1880? A I guess she is.
Q In what district was she living when you married her first? A Canadian.
Q You think she is on the roll for Canadian district? A Yes, sir.
Q If she is on the roll of 1896, you think it is from Illinois, don't you? A I do.
Q What is the name of her father? A William Beaty.
Q Is he a white man or a Cherokee? A He is a Cherokee I suppose; they said he was.
Q Is he dead or alive? A He is dead.
Q How long has he been dead? A Ever since the war.
Q Her mother, what is her name? A Emaline Beaty.
Q Is she a Cherokee or a white woman? A She is a Cherokee, said to be.
Q Is she dead or alive? A She is living.
Q Give us the names of your children, please? A I have the names all printed off here.
Q Is William J. Brown, 16 years old, the first one? A Yes, sir.
Q Benjamin and Cortie, twins, ten years old? A Yes, sir.
Q Amandy D. Brown, 8 years old? A Yes, sir.
Q Manchie, 6 years old? A Yes, sir.
Q What is the next one to Manchie? A Thomas J., 4 years old.
Q Then Robert Louis, 2 years old? A That is right.
Q These twins were born after you and your wife had that separation? A Yes, sir.
Q And all the younger children were born since then? A Yes, sir, all but William.
(On 1880 roll, page 5, No. 114, Quintella Beatie, Canadian district. George Alexander Brown on 1896 roll, page 835, No. 9, Illinois district, George A. Brown. Quinn Brown on 1896 roll, page 837, No. 77, Illinois district. William J. Brown on 1896 roll, page 837, No. 78, Illinois district.

78, Illinois district. Ben Brown on 1896 roll, page 837, No. 79, Illinois district. Certie Brown on 1896 roll, page 837, No. 80, Girtie Brown, Illinois district. Armandy D. Brown on 1896 roll, page 837, No. 81; Mandy D. Brown, Illinois district. Manchie Brown on 1896 roll, page 837, No. 82, Illinois district. Thomas J. Brown on 1896 roll, page 837, No. 83, Thomas Brown, Illinois district.)

The applicant is shown by the accompanying marriage license and certificate to have been married to his wife under Cherokee law September 9, 1883. He states that he and his wife procured a divorce since that time, a copy of the decree of which is filed herewith. They were divorced in 1887 and he states and establishes by personal testimony that after a limited period, say two or three years, he and his wife resumed living together. He did not, however, procure a new license under Cherokee law or under any other law under which to consummate the remarriage. The applicant is identified on the roll of 1896, he has undoubtedly continued to be the husband of his wife as he states, but whether it is under conditions which entitle him to enrollment as a Cherokee citizen is a question that requires further inquiry. Therefore, the application for the enrollment of himself will at present be placed upon a doubtful card for further consideration by the full Commission. The final decision of the Commission will be communicated to him at his post office, and that decision, with all the evidence in the case, will be submitted to the Secretary of the Interior for his approval, which when received, will be final in the case.

Now as for the application of his wife, she is duly identified on the rolls of 1880 and 1896 as a native Cherokee. Of the children enumerated, the first six are identified on the roll of 1896. She and these six children as enumerated in the testimony will now be enrolled as Cherokees by blood. The youngest child, Robert Louis, is too young to be upon any roll of the Cherokee Nation. When the Commission is supplied with a duly authenticated certificate of this child's birth, then it also will be enrolled as a Cherokee by blood.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes, thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 31st day of August, 1900.

C. R. Breckinridge

Commissioner.

R 919

1062

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 4 1900

R 90

R.

C. D-1062.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of George A. Brown for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:
J. R. Sequichie, agent for the applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant and his agent were notified by registered letter February 27, 1902, that the application of George A. Brown for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 15th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant and his agent, J. R. Sequichie, this day, to-wit: the 13th day of March, appear and request that the case be taken up for final consideration. By agreement with the representative of the Cherokee Nation present the case is taken up.

Applicant recalled by the representative of the Cherokee Nation for re-cross examination.

GEORGE A. BROWN, being first duly sworn, and being examined, testified as follows:

BY MR. HASTINGS: Where are you living now? A. Near Braggs Station, about five miles from Braggs.
Q. Where is your wife? A. At home.
Q. Living with you? A. Yes sir.
Q. Living with you now? A. Yes sir.
Q. And has ever since August 23, 1900, when you applied before?
A. Yes sir.
Q. Are you living there with your family? A. Yes sir.
Q. Were you ever married before you married this woman?
A. No sir.
Q. Was she? A. No sir, I think not.
Q. You have no reason to believe she was?
A. I have no reason to believe she ever was married before.
Q. Had any children? A. No sir. She hadnone.
Q. She went by her maiden name? A. Yes sir.

BY COMMISSION: You have been living together continuously since
A. Since the last time. We were separated and then married again.
Q. Youmare living together now? A. Yes sir.

W. S. AGNEW, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A. W. S. Agnew.
Q. How old are you? A. Fifty-nine.
Q. Whatis your post office? A. Muskogee.
Q. Do you know the applicant, George Alexander Brown, in this case?
A. Yes sir.
Q. Do you know his wife? A. Quin, yes.
Q. How long have you known them? A. About thirty years, I reckon. I have known Quin from a child.

Q. During the time of their marriage, do you know whether they lived together continuously or not?
A. Since they first married? No, they separated a couple of years ago.
Q. Do you know about what year that was.
A. Along about 1880, I would not say positively, about that time. In the early eighties.
Q. Do you know the circumstances of the separation, whether she left him, or whether he left her? A. ~~He left her.~~
A. I was living--- I was informed, though, that she just got up and left him.
Q. Did the applicant make any effort to reconcile the separation?
A. I think he did. I think he went to the extreme. I always thought he did.
Q. What else did his wife do, particularly after their separation, make any effort or demonstration, did she make an effort to go back to him?
A. No, I don't know of her making an effort. I just merely heard they were about to get together again, and herald mother ran her back up in the Tahlequah District.
Q Did she send for all her clothes?
A. All her household goods, sent her brother-in-law.
Q. Got all the goods? A. That is my understanding.
Q. He went to a good deal of trouble to get her back to live with him? A. I thought so.
Q. Did they live together again? A. Yes sir, they were afterwards married.
Q. Do you know who applied for the divorce?
A. No, I could not say as to that. I forget all about the divorce
Q. How far did you live from them when this first separation took place? A. About a mile, I reckon.
Q. How long have you known her, before the marriage?
A. Say fifteen years, anyway.
Q. Do you know whether they are living together now or not?
A. I have heard nothing to the contrary. I heard they were living over there on his farm. I don't know that they have ever been separated since.

MR. HASTINGS: The point in this case is that the decree of divorce does not specify as to who the decree was issued to. Special attention is called to the testimony of the present witness which entitles the claimant to admission under section 666 of the laws of 1892, Cherokee Nation. But the decree of divorce filed in this case does not show to whom it was granted.. The testimony of the applicant shows that he and his wife separated about 1889, and the divorce was granted upon the application of the applicant in this case.

The agent of the applicant and the attorney for the Cherokee Nation submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

D1062

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

[illegible]

Cherokee D-1062.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 27, 1902.

In the matter of the application of George A. Brown for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name, Mr. Brown? A George A. Brown.
Q What is your age at this time? A A About fifty-three.
Q What is your postoffice? A Braggs.
Q Are you the same George A. Brown that made application tothis Commission on August 23, 1900, for enrollment as an intermarried citizen? A I guess I am.
Q What is your wife's name? A Her name was Queen Beatty.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir. I guess she is; she has never been disputed.
Q When were you married to her? A In '83.
Q Were you married under a Cherokee license? A Yes sir.
Q You have already filed that with the Commission, have you? A Yes sir.
Q Were you ever married prior to your marriage to this wife? A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q Have you and she lived together continuous y as husband and wife since 1883 up until the present time? A No sir, we separated three years and were divorced and remarried.
Q You say you have been separated? A Yes sir, nearly three years.
Q When were you separated? A We had been living together something like two years and she quit me and went home to her folks.
Q That was some where about '85 when you separated, was it? A Yes sir.
Q How long were you separated? A Something near three years.
Q Were you divorced during that period of separation? A Yes sir.
Q Who obtained the divorce? A I did.
Q Upon what ground were you divorced? A Willful desertion.
Q Are you sure she left you? A Yes sir.
Q Did she have any reason for leaving? A Only she just wanted to go home with her folks, wanted to stay with them.
Q Now you say that after your separation you were married again? A Yes sir.
Q To this same woman? A Yes sir.
Q Were you married a second time under a Cherokee license? A No sir, just as two Cherokees ma rried. We never got no license. We got the license at one time.
Q Have you filed your certificate of marriage, of this last marriage? A Yes sir, I proved it to the Commission and have been living with the same woman as man and wife ever since. I proved it by witnesses.
Q Since this last marriage to her have you lived with her continuously as her husband? A Yes sir.
Q You had never been separated anymore, just that one time? A No sir.
Q How long have you lived in the Cherokee Nation? A Something near thirty-three years.
Q For the last thirty-three years continuously? A Yes sir.
Q Never made your home outside of the Cherokee Nation in that thirty-three years? A No sir.
Q How long has your wife resided in the Cherokee Nation? A She was born and raised here I reckon. I don't know.
Q Has she lived here for the last thirty-three years? A She has lived here ever since the war, ever since they came back from the south.

2-George A. Brown.

Q During the time you separated from your wife you didn't marry any other woman? A No sir.
Q And you never have been married to any other woman? ANo sir, none but this one woman in my life.
Q You and she were living together on the first day of September, 1902? A Yes sir.
Q And still living together? A Yes sir.

D. J. Brewer, being sworn and examined by the Commission, testified as follows:
Q What is your name? A D. J. Brewer.
Q What is your age? A If I live to see the 8th day of March, I will be 63 years old.
Q Are you acquainted with George A. Brown, the applicant in this case? A Yessir.
Q How long have you known him? A Been knowing him about ten or eleven years, he has been living close to me.
Q Do you know his wife? A Yes sir.
Q How long have you known her? A About the same time.
Q Have they always lived together as husband and wife for the last ten years to your knowledge? A nYes sir.
Q Were they living together on the first day of September, 1902? A Yes sir.
Q They never have been separated since you have known them? A No sir.
Q And they have lived in the Cherokee Nation during all this time? A Yes sir.

<u>Applicant recalled:</u> Is your wife and children living at this time? All those for whom you applied, eight children? A Yes sir, all eight are living.
Q Living with you at home? A Yes sir.
Q And these children have lied in the Cherokee Nation all their lives? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenburger

Subscribed and sworn to before me this 13th day of October, 1902.

B. H. Jones
Notary Public.

Cherokee N-1002.

[illegible] of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of George A. [illegible] for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 23, 1899, George A. [illegible] appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the action of said application were had in Muskogee, Indian Territory, on [illegible] 1, [illegible], and on [illegible] 27, 1902. [illegible] to the application [illegible] and [illegible] [illegible].

[illegible] White [illegible] in [illegible] of the Cherokee Nation, [illegible] less, [illegible] claims in place of the Cherokee Nation. It further [illegible] the evidence [illegible] the separation [illegible] between [illegible], it [illegible] that the [illegible] left [illegible]. A divorce was had between [illegible], [illegible], [illegible], [illegible], but [illegible] of such a [illegible] may have [illegible]. The [illegible] of 1896. The [illegible] shows that the said [illegible] [illegible] [illegible] [illegible] to the marriage in [illegible], to [illegible], [illegible], and [illegible] the separation above [illegible] [illegible] to [illegible] in said [illegible], [illegible] [illegible] his [illegible] [illegible] [illegible] the [illegible] [illegible] [illegible] [illegible] 1, 1896.

It is, therefore, the opinion of this Commission that George [illegible] should be enrolled as a citizen by intermarriage of the Cherokee Nation, [illegible] the provisions of section [illegible] of the act of Congress approved June 28, 1898 (30 Stat., [illegible]), [illegible].

[illegible] Commission.

[illegible]

Tams Bixby

Commissioner.

T. L. Sweeney.

Commissioner.

[illegible]

Commissioner.

Dated at Muskogee, Indian Territory,

MAR - 2 1903

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEELY
C. R. BRECKINRIDGE
W. E. STANLEY
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1062

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of George A. Brown for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. M-220

Cher D 1063

Cher D 1063

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 25th 1901.

In the matter of the application of Aaron Burr for the enrollment of himself and one child as Cherokee citizens. He being first duly sworn before Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Aaron Burr.
Q How old are you? A. As near as I can say I am 38.
Q What is your post office address? A. Briartown.
Q What District do you live in? A. Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Who is it that you want to have enrolled? A. Myself and child.
Q Are you married? A. Yes sir.
Q What is your wife's name? A. Marguerite.
Q Is she a Cherokee citizen by blood? A. No sir.
Q Have you a certificate of your marriage? A. I did get one, but I sent it to Washington, and had Mr. Buchanan send for it and I was told by him that he would have it here some time next week.
Q When were you married? A. In 1897.
Q What is the name of your child? A. Eddie Bell.
Q Boy or girl? A. Girl.
Q How old is she? A. Three months old.
Q What is your father's name? A. Aaron Burr; he is a white man.
Q Is he living? A. No sir.
Q What is your mother's name? A. Mary Winters.
Q Is she a Cherokee citizen by blood? A. Yes sir.
Q Is she living? A. No sir.
Q Is your name on the roll of 188 ? A. I guess it is.
Q Where were you born? A. Canadian District.
Q Have you always lived there? A. Yes sir except for six years in Sequoyah district.
Q But you have lived in the Cherokee Nation all your life? A. Yes sir
Q Was your mother ever married to anybody besides Burr? A. Yes sir to Jasper Lain, he was my step father.

1896 roll, page 6, No 161, Aaron Burr, Canadian district.
1894 roll, page 6, No. 150, Aaron Burr, " "

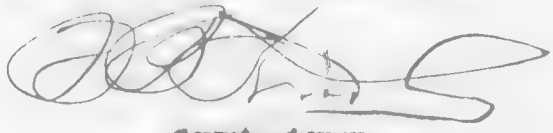
Q Who is T. J. Scales who drew your money in 1894? A. He is dead, he run a store in Webbers Falls.

* * * The name of Aaron Burr, is found on the census roll of 1896 and also the pay roll of 1894 according to the page and number of the rolls as indicated in the testimony. His name is not found on the authenticated roll of 1880, neither is the name of his mother or grand mother. He avers that his mothers name was Mary Burr, and that she afterwards married one Jasper Lain and that said Lain was his step father. He avers that he was married in 1897 and that by his wife he has one child, Eddie Bell, but he presents no certificate of marriage nor does he present a certificate of birth as to said child, its name not appearing on the census roll of 1896, having been born since said roll was compiled. Consequently final judgment as to the enrollment of himself and child will be suspended and the will be placed upon a doubtful card to await proof of citizenship and proof of birth as to said child Eddie Bell and proof of marriage between himself and his wife. .

+ + + +

E Chasvonwise

Subscribed and sworn to before me this the 26th of January, 1801.



Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 25 1901

ACTING CHAIRMAN.

R

C. D-1063

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Aaron Burr for the enrollment of himself and child as Cherokee citizens.

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of himself and child would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 15th day of March,1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 15th day of March,1902, appears in person.

AARON BURR, being first duly sworn and being examined testified as follows;
BY COMMISSION:
Q Whatis your name? A Aaron Burr.
Q How old are you? A As near as I can recollect my age, I ought to be going on about 29, that is as near as I can get at it.
Q What is your post-officeaddress? A Briartown.
Q You have heretofore applied for enrollment of yourself and child as citizens of the Cherokee Nation? A Yes sir.
Q You were requested to furnish the Commission with evidence of your marriage to your wife Margaret, have you got that with you? A Yes sir. (Produces papers.)
BY COMMISSION: There is offered in evidence a certified copy of the marriage record showing that Aaron Burr and Margaret Crane were united in matrimony on the 4th day of August,1897, by James T. Gillespie, Minister of the Gospel. Same is filed herewith and made a part of the record.
Q Were you ever known by any other name than Aaron Burr? A Yes sir my mother give me a name, little nick name.
Q What was the name she gave you? A Aaron Venus, or some such a name as that, I don't know; my brother knows the name.
Q Is your brother here? A Yes sir.
Q Bring him in.

BENJAMIN FRANKLIN BURR, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Benjamin Frabklin Burr.
Q How old are you? A 41 or 42, now I don't know exactly.
Q What is your post-office address? A Gritts, I. T.
I get mail at Webbers Falls too.
Q Are you acquainted with Aaron Burr? A Yes sir.
Q How are you related to him? A Half brother , said to be.
Q Same father ~~and mother~~ or same mother?A Same father.
Q Has Aaron Burr always lived in the Cherokee Nation? A Yes sir.
Q Where was he living about 22 years ago? A In Illinois District.
Q Who was he living with at that time? A He was at my father's house.
Q Did he ever go by any other name than Aaron Burr? A No sir, not that I know of.
Q Did he have any nick name? A I never heard it; I was at home with them when they registered me in 1880.

1880 authenticated rellof citizens of the Cherokee Nation examined and applicant identified as follows:
page 509 No.252 Aaron Burr, Jr., Illinois District,native Cher.

Applicant, AARON BURR, re-called and further examined, testified as follows:

BY COMMISSION:

Q Have you always lived in the Cherokee Nation? A Yes sir.
Q New living there are you ? A Yes sir.
Q Were you ever married before you married your present wife? A No sir.
Q Was she ever married before? A Yes sir.
Q What was the name of her first husband? A Beerman.
Q Was he living when you married her? A He was in thepen, thnk they were divorced.
Q By what court were they divorced? A Muskogee.
Q Have you any evidence of that divorce? A No, the lawyers give her the evidence.
Q Have you got it at home? A Why he said she didn't thoroughly need it.

BY COMMISSION: The applicant will be given 10 days in which to furnish the Commission with a certified copy of the decree of divorce of his wife from her former husband.

The applicant and the representative of the Cherokee Nation present submit this case same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record, in addition to the decree of divorce to be furnished by the applicant.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

C D. pc 63

COMMITTEE
MISSION TO
FILED
20 1902
ACTING CHIEF

Cherokee D 1065

H.H.L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Aaron Burr for the enrollment of himself and his minor child, Eddie B. Burr, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

---oOo---

The record in this case shows that on January 25, 1901, Aaron Burr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor child, Eddie B. Burr, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902.

The evidence in this case shows that Aaron Burr, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880, and Margaret Crane, a white woman, were married on August 4, 1897. It appears from the evidence that the wife of Aaron Burr, Margaret Burr, had a former husband who was living at the time of her marriage to Aaron Burr, and it is not shown that she had secured a divorce from him, but it is considered that this fact does not affect the right of the minor child of Aaron Burr and his wife, Margaret Burr, to enrollment as a citizen by blood of the Cherokee Nation. Aaron Burr is identified on the Cherokee Census roll of 1896, and on the Cherokee Strip Payment roll of 1894. Eddie B. Burr, the minor child of Aaron Burr and his wife, Margaret Burr, is too young to be on any roll, but proper proof of her birth, on October 29, 1900, has been furnished this Commission.

The evidence further shows that Aaron Burr has lived in the Cherokee Nation all his life, and it is considered from the evidence that Eddie B. Burr has lived in the Cherokee Nation ever since her birth.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

> "All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings, provided, that the issue from such unlawful marriage shall nevertheless be legitimate; . . . . . "

It is, therefore, the opinion of this Commission that Aaron Burr and Eddie B. Burr should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section

twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this OCT 27 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON T. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 1063.

Muskogee, Indian Territory, October 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, granting the application of Aaron Burr for the enrollment of himself and his minor child, Eddie B. Burr, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file such protest as you desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.
Commissioner in Charge.

Enclosure C. No. 208

MUSKOGEE
NOV 4
IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
Penalty for private use, $300.

W. W. Hastings,

Muskogee, I. T.

R 1063

Contents list

Original testimony Jan. 25 1901

Transcript of testimony Jan. 25 1901

Certificate of notice of filing and [illegible]

[illegible] 3/15/02

Cher D 1064

Cher D 1064

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 26, 1901.

In the matter of the application of Lemuel Garrett for the enrollment of his wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Lemuel Garrett.
Q What is your age? A 26.
Q What is your postoffice address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A I couldn't tell you; I am a white man myself.
Q Who do you want to enroll? A My wife and two children.
Q What is your wife's name? A Mary J.
Q What was her name before you married her? A Mary J. Collins.
Q What is her age? A 23.
Q When did you marry her? A In '93, I reckon; I have the papers here.
Applicant presents a marriage license issued from the Clerk of the County Court of Sebastian County, and certificate of marriage certifying that he was married to one Collie Collins on the 5th day of December, 1893; married according to the laws of the State of Arkansas.
Q Have you ever been married according to the laws of the Cherokee Nation? A No sir.
Q What is the name of your wife's father? A T. A. Collins.
Q He living? A Yes sir.
Q What is the name of her mother? A I couldn't tell you.
Q Is she living? A No sir.
Q What is the name of your child? A Gracie D. Garrett, born in November, 1899.
Q Have you any certificate for the other child? Have you two children or one? A I have the other one here. Ellis E., four years old.
Q Is your wife's name Mary Jane? A Yes sir.
Applicant presents a certificate of admission issued from the office of the Commission on citizenship dated Tahlequah, January 30, 1883, signed by Thomas Tahee, President, Alex Wolfe and T. F. Thompson, Commissioners, attested by D. W. Duncan, Clerk of the Commission, certifying that on the 11th day of September, A.D., 1883, among others one Mary J. Collins was admitted to Cherokee citizenship.
Q Is the Mary J. Collins mentioned in the certificate that you present here the identical person who you claim to be your wife, and for whom you apply? A Yes sir.
Q How long has she lived in the Cherokee Nation? A She has been here quite a while; she was very small when she come here.
Q Has she lived here since 1883? A Yes sir, I guess so; I couldn't say positively.
Q Is her father here? A Yes sir.

Witness, Tillman A. Collins, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Tillman A. Collins.
Q What is your age? A 43.
Q What is your postoffice? A Webbers Falls.
Q You know Mary J. Collins? A Yes sir.
Q Is she the wife of Lemuel Garrett? A Yes sir.
Q Are you her father? A Yes sir.
Q How long has she lived in the Cherokee Nation? A Ever since the fall of 1880.
Q Continuously since then? A Yes sir; I moved here in the fall of '80.

2- L. C.

redirect.

Q Is Mary J. Collins your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q These children alive and living with you at this time? A Yes sir.
Q You don't apply for yourself, or do you? A I don't know.
1896 roll; page 27, #723, Mary J. Garrett, Canadian district.

Commissioner Needles-

The name of Mary J. Garrett is found upon the Census roll of 1896. Applicant presents satisfactory proof as to his wife's admission to Cherokee citizenship, more fully described in the testimony; satisfactory proof is also made as to her residence, she having been admitted as Mary J. Collins, and he presents satisfactory proof of his marriage. On the 5th day of December, 1893, she married one Lemuel Garrett, a non citizen, according tolaws of the State of Arkansas. The applicant applies for the enrollment of his wife, Mary J. Garrett, and two children, Gracie D. and Ellis E., and files satisfactory proof as to their birth. They are duly identified according to page and number of the roll as indicated in the testimony, and make satisfactory proof as to their residence; but now comes the representatives of the Cherokee Nation and protest against the enrollment of said Mary J. Garrett, averring that she was admitted to Cherokee citizenship among others by fraud, consequently final decision as to the enrollment of said Mary J. Garrett and her two children, will be suspended and their names will be placed upon a doubtful card.

E.G.Rothenberger, being duly sworn, states that as stenographerto the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 26th day of January, 1901.

Commissioner.

1061

PRINCIPALS OF THE IN
ION TO THE FIVE CIVILI TRIBES.
FILED
JAN 31 1901

R 1061.

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[illegible] William Jarrett.

[illegible] Thomas Jarrett.

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Cher D 1065

Cher D 1065

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 26, 1901.

In the matter of the application of William L. Collins for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A William L. Collins.
Q What is your age? Mr. Collins? A 21.
Q What is your postoffice address? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yessir.
Q Who do you want to enroll? A Myself.
Applicant presents a certificate of admission issued from the office of the Commission on citizenship dated at Tahlequah the 30th of January, 1883, signed by Thomas Tehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, attested by D. W. Duncan, Clerk of said Commission, certifying that among others one William Lee Collins was admitted to Cherokee citizenship on the 1.th day of September, 18.3.
Q Mr. Collins, in the certificate of admission that is presented here, I find the name of William Lee Collins; are you the identical William Lee Collins mentioned in this certificate? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About 19 years.
Q Living in the Cherokee Nation now? A Yes sir.
1896 roll; page 10, #890, William L. Collins, Canadian district.

Commissioner Needles-

The name of William L. Collins is found upon the Census roll of 1896. He presents satisfactory proof of his citizenship, more particularly described in the testimony, and also satisfactory proof as to his residence. He is duly identified. And now comes the Cherokee Nation by its representatives and protests against the enrollment of said William L Collins averring that his admission was obtained by fraud, consequently final judgment as to the enrollment of said William L. Collins will be suspended and his name will be placed upon a doubtful card.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 26th day of January, 1901.

Commissioner.

1065

TRANSCRIPT OF THE RECORD
OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 31 1901

D 1065

IN THE MATTER OF THE APPLICATION OF

[illegible]

[illegible]

Orig. at testimony [illegible] 26 1901

Hearing of [illegible] 1901

[illegible] 3/15/02

[illegible]

Cher D 1066

Cher D 1066

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 26, 1901.

In the matter of the application of Joseph R. Sequichie for the enrollment of Sallie T. Garland as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Joseph R. Sequichie.
Q What is your age? A 39.
Q What is your postoffice? A Chelsea, I.T.
Q For whom do you apply for enrollment? A Sallie T. Garland.
Q What is her age? A 51.
Q What is her postoffice? A Chelsea.
Q What district do,you live in? A Coowescoowee.
Q What is the reason she is not here in person? A She has no one to look after her affairs, but her brother and herself.
Q She is non competent? A She is not able to look after her own affairs. They claim for that reason there was not a right kind of a record gotten in her admission for 1887.
Q What was her maiden name? A Dawes.
Applicant presents a marriage license and certificate of marriage certifying that Mr. C. L. Garland was married to Mrs. Sallie Garland nee Dawes on the 16th day of August, 1897; said license being issued by the authorities of the Cherkee Nation.
Applicant also presents a certified copy of the record of the Commission on Citizenship dated Tahlequah, January 29, 1887, which is filed herewith.
Q Is her husband living? A No sir.
Q She's a widow now? A Yes sir.
Q Has she any children? A No sir.
Q How long has she lived in the Cher kee Nation? A She has lived here since 1887. She was here a year or two before she was admitted in 1887.
Q She has been living continuously in the Cherokee Nation since she was admitted? A Yes sir.
1896 roll; page 170, #2057, Sallie Garland, Cooweescoowee district.
1894 roll; page 197, #1771, Sallie Garland, Cooweescoowee district.

Commissioner Needles-

The name of Sallie T. Garland is found upon the Census roll of 1896 and also upon the pay roll of 1894. Her name is not found upon the authenticated roll of 1880. Proof of citizenship is presented, and satisfactory proof as to her residence. By reason of the fact that proof of citizenship is not clear and satisfactory, final judgment as to the enrollment of Sallie T. Garland will be suspended and her name will be placed upon a doubtful card; said certificate of admission will be filed with the papers.

E.J.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 26th day of January, 1901.

Commissioner.

1066

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 31 1901

ACTING CHAIRMAN

S U P P L E M E N T A L T E S T I M O N Y.

Cher. D.-#1066;
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10th, 1901.

Supplemental Testimony in the matter of the enrollment of Sallie T. Garland as a citizen by blood of the Cherokee Nation.

Said Sallie T. Garland being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sallie T. Garland.
Q How old are you? A I will be 31 years old on the 18 day of next September.
Q What is your post office? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Mr. Joseph Sequechie applied to have you enrolled at Muskogee on the 20th of January, 1901, stating that you were non-competent and not able to look after your own affairs; was that a mistake?
A Yes, sir, that was a mistake it was my sister.
Q What is your sister's name? A Martha Ann Dawes.
Q You now apply in person to have that mistake rectified?
A Yes, sir.
Q That is all the mistake you know of? A Yes, sir.

BY MR. W. W. HASTINGS, Cherokee Represenative:

Q Your post office is Chelsea? A Yes, sir.
Q Why didn't you apply here when the Commission was here last fall?
A We was down with the Small pox and just able to creep and I was too high-minded to give it to people; I would have lost my right before I would trace around and give it to people.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 18th day of June, 1901.

T. B. Needles

Commissioner.

Chet D 1066

COMMISSION TO THE HAGUE PEACE CONFERENCES
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C. D-1066

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Sallie T. Garland for enrollment as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter on the 27th day f February,1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 15th day of March,,1902, and that on said date she might appear in person or by attorney when an opportunity would be givenher to introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter, and on this the 15th day of March,1902, applicant being called and failing to respond either in person or by attorney this case is deemed completed and same will be reported to the Commission for final decision based upn the evidence now ofrecord.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

D1066

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

Cherokee D 1066

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie T. Garland as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

---oOo---

The record in this case shows that on January 26, 1901, Joseph R. Sequichie appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Sallie T. Garland as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, June 10, 1901.

The evidence shows that the said Sallie T. Garland was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on April 18, 1887. The said Sallie T. Garland is identified on the Cherokee Census roll of 1896 and on the Cherokee Strip Payment roll of 1894.

The evidence further shows that the said Sallie T. Garland has lived in the Cherokee Nation ever since 1887.

It is, therefore, the opinion of this Commission that Sallie T. Garland should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress approved June 2?, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this 18

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1066.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Sallie T. Garland for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 6.

D 1066

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[illegible] 3/15/02

Cher D 1067

Cher D 1067

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 28th, 1901.

In the matter of the application of Wiley S. Wesson for the enrollment of his wife and children as citizens of the Cherokee Nation; said Wesson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Wiley S. Wesson.
Q How old are you? A 30.
Q What is your post office? A McKey.
Q In what district do you live? A Illinois.
Q Who is it you want to have enrolled, yourself and family? A No, sir, just want to enroll David Wesson, a boy of mine, five years old, he is enrolled on '96 roll, David Wesson, Illinois district.
Q Have you a wife now? A Yes, sir.
Q Is she a Cherokee woman? A Yes, sir.
Q Do you want to have her enrolled? A Yes, sir.
Q How many children is it you want to apply for altogether? A Two.
Q One of them by this wife? A Yes, sir, the last one.
Q One by a former wife? A Yes, sir.
Q What are you, a white man? A Yes, sir.
Q Was your first wife a Cherokee woman? A Yes, sir.
Q And this wife is a Cherokee woman? A Yes, sir.
Q When were you married the first time? A January 20th, 1895.
Q What is the name of your present wife? A Catherine.
Q How old is she? A She is 20, 19 or 20.
Q Was she born in the Cherokee Nation? A No, sir.
Q Where was she born? A Georgia.
Q When did she come to the Cherokee Nation? A Four years ago, '96.
Q Was she admitted to citizenship by the Cherokee Commission? A Yes, sir.
Q Give me the name of her father? A Bradford W. Brackett.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother A Mary, Mary Elizabeth Brackett, I think.
Q Was Mary Brackett a Cherokee ~~xxxxx~~ woman? A Yes, sir, I think so, I can't say for certain.
Q You do not know whether your wife claims through her father or mother? A I know that her father was a Cherokee but I do not know whether her mother is or not, but I think so, I think she is enrolled in '96.
Q Have you a certificate showing that your wife was admitted to citizenship? A My father-in-law received a certificate for me and the family and my brother-in-law was to meet me here to-day, but he is at Gallisaw got the small pox and did not get the certificate here.
Q Have you a certificate of your marriage to your wife, Catherine? A Not Cherokee.
Q No certificate? A Yes, sir.

Com'r Breckinridge:-- The applicant presents a marriage license issued by the Clerk of United States Court, Northern district, Indian Territory, August 31, 1899, authorizing marriage between himself and his wife. The certificate shows that they were united in marriage on the 10th day of September of the same year by the Rev. W. J. Powery. This is filed herewith.

Q Now give me the names of these children? A First, David Wesson.
Q How old is that child? A Five years old the 12th day of last ~~xxxxxxxxxx~~ November.

Q The next child? A George Newton Wesson.
Q How old is he? A Four months old the 9th day of this month.
Q These children are both living now are they? A Yes, sir.
Q Now, give me the name of the mother of this older child, David?
A Peggie Wesson.
Q She is dead is she? A Yes, sir.
Q How long since she died? A She died the 25th of last February.
Q How old was she when she died? A Somewhere about 44.
Q When did you marry her? A January 20th, 1895.
Q What was her name when you married her? A Peggie Muskrat.
Q Was that her maiden name? A No, sir.
Q What was the name of her father? A I could not, Rose, I believe was his name.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother? A I do not know.
Q You don't know whether she is dead or not? A No, sir, I don't know.
Q How often was your wife Peggie married before you married her?
A Once.
Q To whom was she married then? A Jim Muskrat.
Q Is he dead? A Yes, sir.
Q Was your wife,s name Muskrat in 1880, 20 years ago? A No, sir.
Q What was her name in 1880? A Peggie Rowe.
Q Have you a certificate of your marriage to your wife Peggie?
A Yes, sir.

Con'r:--The applicant presents a license issued by the Clerk of the United States Court, January 18, 1895, authorizing marriage between himself and Peggie Musrat, and the certificate showsthat they were united in marriage on the 21st of January, 1895, by the Rev. J. C. Stee.

Q You were never married to your wife Peggie except under United States license? A No, sir.
Q You married in time to Peggie, a Cherokee citizen, but you did not get out a Cherokee license? A No, sir.

Con'r:--This is filed herewith.

1880 roll; page 4, [illegible], Peggie Rowe, Canadian.
1896 roll; page 45, [illegible], Peggie Rowe, Illinois.
1880 roll; page 21, [illegible], [illegible] Creek, Illinois.
1880 roll; page 3047, [illegible], Cherokee Nation, Sequoyah.

Q Now, who is there here that knows that your first wife, Peggie, was known as Peggie Rowe, she is mentioned in the certificate as being Musrat? A I do not know that there is anybody here to-day who knew her.
Q But you can bring testimony here to establish that Peggie Rowe was known as Peggie Muskrat? A Yes, sir.
Q Mr. Wesson you and your wife came here in 1896 to Canadian, about '96.
Q Do you know when your wife was admitted citizenship? A The certificate says it was in '96, I can't say the month.
Q And she did not come on that certificate until 1896? A No.
Q Was her father or mother, neither of them came here before 1896? A Her father was here several times during the '80s and '90 when he was admitted, but did not move here.
Q Did not bring his family? A No, sir.
Q That is true of the mother also, she did not come on 11 leave, the father, mother and children all came in 1896 to stay, that is the first time they came to make their home? A Yes, sir.
Q And your wife at the time the family came here in 1896 was only a minor, she being but 19 now? A Yes, sir, she is either 19 or 20 now.

Com'r Breckinridge:--The applicant applies for the enrollment of his wife and two children. He states that he is a white man. He is shown to have been married only under United States law and he makes no application for his own enrollment. His present wife, Catherine, is said to have been admitted to citizenship by the Cherokee Commission in 1889 and to have come to the Cherokee Nation with her father and mother under said certificate in 1896. It is shwon by the testimony that she was a minor at the time the alleged certificate was issued and was still minor at the time the family came to the Cherokee Nation in 1896, since which latter time the applicant's wife is stated to have been here continuously. She is not therefore to be excluded by reason of delay in coming to the Cherokee Nation by the Cherokee Act approved December 4, 1894. She is identified on the roll of 1896 as a native Cherokee. Her change of name arising from marriage is established by the license and certificate filed herewith. She will be listed for enrollment as a Cherokee by blood, but upon a doubtful card to await an official copy of the certificate of admission referred to. Her child, George N. Wesson, an infant, will also be listed for enrollment as a Cherokee by blood upon the card with his mother, when the Commission is supplied with a proper certificate of the birth of the child. The other child, David Wesson, is a child of a former wife. This wife, now dead, is identified on the rolls of 1880 and 1896 as a native Cherokee, under the name of Lowe, which is said to have been her maiden name. She is shown to have been married to the applicant under the name of Husrat, her given name being Peggie. Further evidence is desired explaining the identity between this woman, Peggie Husrat, and the woman, Peggie Lowe, as identified on the rolls. This child is now living, is duly identified on the roll of 1896 as a child of Peggie Lowe, and will be listed for enrollment as a Cherokee by blood, on a doubtful card to await the evidence indicated, that the Peggie Wesson shown by the marriage license to have been Peggie Husrat, who the applicant states is the mother of his child, is the woman identified on the rolls as Peggie Lowe.

It is also desired to note in connection with the application for the enrollment of the applicant's wife and his child by this wife, that the Cherokee representatives of the Cherokee Nation desire to have considered the legality of the action of the Cherokee Court admitting members of this family and that point also reserved for consideration. The applicant will be duly informed if there is any further evidence desired in this connection to be considered.

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I, A. Wesson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of January, 1901.

Commissioner.

DEPARTMENT OF
COMMISSIONER OF INDIAN AFFAIRS
JAN 2 1 1916

R

C. D-1067

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Catherine Wesson for the enrollment of herself and children as Cherokee citizens.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: On the 27th day of February,1902, applicant was notified by registered letter that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March,1902, and that on said date she would be permitted to appear either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. On this the 15th day of March,1902, applicant having been called and failing to respond, either in person or by attorney, this case is deemed completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I,M D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

D1067

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

ACTING CHAIRMAN

Cherokee D 1067

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Catherine Wesson, her three minor children, George N., Virgil, and Virginia Wesson, and her step-son, David Wesson, as citizens by blood of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on January 28, 1901, Wiley S. Wesson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his wife, Catherine Wesson, and his four minor children, David, George N., Virgil, and Virginia Wesson, as citizens by blood of the Cherokee Nation.

The evidence shows that Wiley S. Wesson, a white man, was married twice, the first time, on January 20, 1895, to Mrs. Peggy Musrat, a citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880 as "Peggy Rowe", her maiden name. David Wesson is her child by Wiley S. Wesson. After the death of his wife, Peggy, Wiley S. Wesson was lawfully married on September 10, 1899, to Catherine Brackett, a Cherokee by blood, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on August 16, 1888, she at that time being seven years of age. Catherine Wesson did not come to the Cherokee Nation until 1896, she at that time being a minor, fourteen years of age. The said Catherine Wesson and David Wesson are identified on the Cherokee census roll of 1896. The child of Catherine Wesson and her husband, Wiley S. Wesson, George N. Wesson, was born on September 9, 1900, and their children, Virgil and Virginia Wesson, were born on January 2, 1902, and proper proof of their births has been furnished this Commission.

It is considered from the evidence that the said Catherine Wesson has resided continuously in the Cherokee Nation since the year 1896, and that David Wesson has resided continuously in the Cherokee Nation since the time of his birth.

It is, therefore, the opinion of this Commission that Catherine Wesson, David Wesson, George N. Wesson, Virgil Wesson, and Virginia Wesson should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495.), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1067.

ADDRESS ON ENVELOPE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Wiley S. Wesson for the enrollment of his wife, Catherine Wesson, and his four minor children, David, George N., Virgil and Virginia Wesson, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 108.

D 106

IN THE MATTER OF THE APPLICATION OF

[illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony [illegible]

Date of application [illegible]

Marriage license [illegible]

Marriage license [illegible]

Affidavit of birth [illegible]

Photo [illegible]

#9 16

Cher D 1068

Cher D 1068

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 28, 1901.

In the matter of the application of Caroline F. Boudinot for the enrollment of herself and husband as Cherokee citizens; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Caroline F. Boudinot.
Q What is your age? A 70 years old.
Q What is your postoffice address? A Braggs.
Q Are you a recognized citizen of the Cherokee Nation? A I am.
Q What district do you live in? A Illinois.
Q What is your husband's name? A William P. Boudinot.
Q What is his age? A 71.
Q He a citizen by blood? A He is.
Q What is his postoffice address? A I don't know just now; Tahlequah when he is at home.
Q Where is William P. Boudinot? A I do not know.
Q Is he living? A As far as I have any information, I never heard of his death. I haven't seen him for more than two years, or heard from him. He went away from here to take a cure for the morphine habit, and expected to return, and I heard from him one month after he went away, and he was still in good spirits at that time, and since that time, I have no word from him at all of any sort either good or bad.
Q You don't know whether he is living or dead? A No, I don't: I take for granted since I don't know he is dead, that he must be living. I want to enroll him.
Q You know any reason why he can't appear here in person? A As I told you, he went away to take a cure for the morphine habit. He was very feeble at the time he left, and I couldn't tell what condition the cure, or any travelling might put him into. He might have become erratic. He was still a man capable of attending to good business when he went away. I don't know what effect this cure had on him. I only know I never saw or heard from him. We had police forces looking for him. We never have heard of his death.
1880 roll; page 510, #276, Carrie Boudinot, Illinois district.
1880 roll; page 510, #275, W. P. Boudinot, Illinois district.
1896 roll; page 1138, #192, William P. Boudinot, Tahlequah district.
1896 roll; page 1138, #193, Cora F. Boudinot, Tahlequah district.
Q Was your husband in his right mind when he left? A Just as Mr. Pascale said, he was Clerk for the Dawes Commission and just finished at that time and got ready to go and he went away expecting to be gone two or three months, and after he had been gone a little over one month, we had a letter from him and he seemed to be in good spirits, but that was the last. I got the letter on the 15th of April. He was very feeble at the time he left.

Commissioner Needles-
The name of Caroline F. Boudinot appears upon the authenticated roll of 1880 as Carrie Boudinot, and upon the Census roll of 1896 as Cora F. Boudinot. She is duly identified according to page and number of the roll, and makes satisfactory proof as to her residence, consequently she will be listed for enrollment as a Cherokee citizen by blood. Said Caroline F. Boudinot applies for the enrollment of her husband, William P. Boudinot. No satisfactory proof is made as whether said William P. Boudinot is dead or living, and reference is made as to the testimony as to the reason why he is not present in person, consequently final judgment as to the enrollment of said William P. Boudinot will be suspended, and his name will be placed upon a doubtful card awaiting proof as to his being dead or alive, and as to the reason why he isn't present in person.

2- G. F. R.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 28th day of January, 1901.

Commissioner.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(71)

Date January 28 1909.

Name William P. Baudinot Tahlequah I.T.

District Illinois Year 1880 Page 510 No. 275

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dec. 1880 Marriage M. P. Baudinot

Deceased

DIN 68 B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 28 1901

ACTING CHAIRMAN

D. 1068.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of William P. Boudinot for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by Frank J. Boudinot, his son.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 27, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 15th day of March, 1902. On said date the case was by agreement continued until the 19th day of March, 1902. The applicant this day appears by his son, Frank J. Boudinot.

FRANK J. BOUDINOT, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Frank J. Boudinot.
Q What is your postoffice address? A Fort Gibson, Indian Territory, 35 years old.
Q Are you the son of William P. Boudinot, who is an applicant before the Commission for enrollment as a citizen of the Cherokee Nation?
A Yes, sir.
Q Do you desire to make a statement relative to his application?
A I do.
Q Do you know whether or not your father is living at this time?
A No, sir, I don't.
Q When did you last hear from him? A I received a letter from him, mailed in Chicago at 6 o'clock in the evening of April 8, 1898.
Q Since that time have you heard from him, either directly or indirectly? A No, sir.
Q You don't know of your own knowledge whether he is living today?
A No, sir, and I don't know whether he is dead.
Q Is there any further statement that you desire to make relative to his application? A Well, I would like to state that if living his home, his citizenship, is in the Cherokee Nation. He has his house, his effects, his household furniture, as he left them. This being simply a question of law why I would like to have time to file a brief.
Q Aside from that you submit the case to the Commission? A Yes, sir.
MR. HASTINGS: You made diligent efforts to find him? A Yes, sir.

This case is submitted by agreement to the Commission for final decision based upon the evidence now of record. The applicant's son will be granted fifteen days in which to file a brief in the case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

UNITED STATES OF AMERICA

INDIAN TERRITORY.

BEFORE THE UNITED STATES COMMISSION TO THE FIVE CIVILIZED TRIBES.

In re application of William P.Boudinot to be enrolled as a citizen of the Cherokee Nation, or member of the Cherokee tribe of Indians

-----O-O-----

Carrie F.Boudinot, wife of the applicant, William P.Boudinot, applied for the enrollment of herself and her husband, the said William P.Boudinot, on the _____ day of _____, 1901, as citizens of the Cherokee Nation. The facts proven are that William P.Boudinot, seventy two years of age if living at the present time, has not been seen alive or dead, nor has he been heard from directly or indirectly by any member of his family in the Cherokee Nation, since the Spring of 1898; that in March of that year he left his home at Tahlequah for the purpose of taking treatment for the morphine habit; that he was alive on the 6th. day of the following April and wrote a letter that day to his son, Frank J. Boudinot, dated at Chicago, Illinois; that his house, house-hold goods, books, papers, and various other property, are all at Tahlequah where he left them. If living, the citizenship of the applicant, William P.Boudinot, and his residence at Tahlequah, Cherokee Nation, is not a matter of controversy. In the absence of any proof or information of any kind whatsoever that her husband, the said William P.Boudinot, is dead, Carrie F.Boudinot, his wife, by her attorneys, contends that he is alive and entitled to be placed upon the rolls of Cherokee citizens now being prepared by the Commission to Five Civilized Tribes. There never has been any Cherokee law that would justify presumption of death without proof. In the eyes of the law William P.Boudinot is alive and will continue to live, whether seen or heard from or not by his own people, until proven to be dead or until such time shall have elapsed since he was last seen or heard from as will justify the presumption that he is dead. In the absence of any statute fixing such a period of time the Common Law would require seven years to elapse before that presumption could

prevail. It is in proof that William P.Boudinot left an estate behind him which would be subject to be administered upon under the laws now in force in the Cherokee Nation if he were dead. No letters of administration could be issued on his estate because there is no proof of his death. Mansfield's Digest of the Statutes of Arkansas, now in force over the Cherokee Nation, provides as follows:

"SEC. 2850. Any person absenting himself beyond the limits of this State for five years successively shall be presumed to be dead, in any casein which his death may come in question."

Under this law not until April, 1903, would he be presumed to be dead. His widow could not marry again lawfully, but her marriage would be bigamy, until the expiration of five years as set forth in the same Digest,

"SEC. 4597. In all cases where any husband shall abandon his wife, or wife her husband, and reside beyond the limits of this state for the term of five successive years, without being known to such person to be living during that time, their death shall be presumed, and any subsequent marriage entered into after the end of said five years shall as valid as if such husband or wife were dead."

By his temporary absence William P.Boudinot has forfeited no rights as a citizen of the Cherokee Nation under the Constitution of the Nation nor under the provisions of the Act of Congress empowering this Commission. The Constitution of the Cherokee Nation provides as follows:

~~It will be seen that a citizen of the Cherokee Nation could~~ of his own free will forfeit his rights as a Cherokee citizen, but to do so he must do three distinct different things - 1 remove outside the limits of the Nation - 2 take his effects - 3 become a citizen of another government he must do all three, not one of them nor two of them, before it can be rightfully asserted that he has forfeited his rights as a Citizen of the Cherokee Nation. The proof in this case shows that William P.Boudinot

did go outside the limits of the Cherokee Nation; that he did not take his effects; and there is absolutely nothing in the testimony that would justify the most imaginative mind in presuming that he had become a citizen of another Government.

In view of the fact that the rolls of citizenship in the Cherokee Nation are about to be finally closed, Carrie F.Boudinot, by her attorneys, and for and in behalf of William P.Boudinot, respectfully asks that the name of William P.Boudinot may taken from a doubtful card and that his name may be placed with the names of bona fide citizens of the Cherokee Nation by blood.

Respectfully submitted,

Carrie F. Boudinot
By F. J. Boudinot, Atty.
F. J. Boudinot Atty.
Ridge Postal by
F. J. Boudinot, Atty.
Muskogee, I.T.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes

Muskogee I. T. April 8th 1902.

No. Cherokee D 1068.

In the matter of the application of William P. Boudinot for enrollment as a citizen of the Cherokee Nation by Blood.

Brief of the Cherokee Nation.

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There are two questions involved in this case: The first one that presents itself to the commission, " Is William P. Boudinot Alive?" The testimony shows that he has not been heard from since April 1898 a period of more than four years; that he was at that time an old man and absent for the purpose of taking treatment for the cure of the morphine habit. This man is seventy-one years of age and we submit technically no application should have been permitted to have been made for him unless he applied in person. The Commission is not governed by any technical rule in arriving at the conclusion as to whether or not the applicant is alive. The testimony goes to show that the applicant has not been heard from since April 1898 although a most dilligent search and inquiry has been made by his living relatives to ascertain his whereabouts and we submit that if he were living that these dilligent searches would have resulted in his being found.

Second: We submit that if living he has been a non resident of the Indian Territory for a period of four years and that he should not be enrolled for this reason unless he should appear in person and show some good reason for his absence such as being confined in some hospital for treatment that length of time to affect his cure.

Certainly the commission is not bound by any common law rule as to the presumption of death but the commission is charged with the responsibility of making a correct of all living Cherokees and under the circumstances that there is no jury who would decide upon hearing the testimony in this case that the applicant is alive and in being.

Respectfully submitted,

[signature]

Attorney for the Cherokee Nation.

Cherokee D. 1068.

William P. Boudinot.

Brief of the Cherokee Nation.

Cherokee D-1068

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I.T., February 3, 1905.

In the matter of the application for the enrollment of WILLIAM T. BOUDINOT as a citizen by blood of the Cherokee Nation.

FRANK J. BOUDINOT being first duly sworn, testifies as follows:

BY COMMISSION:

Q What is your name? A Frank J. Boudinot.

Q What is your age? A Thirty-eight.
Q Postoffice address? A Tahlequah, Indian Territory.
Q Are you a citizen by blood of the Cherokee Nation? A I am,
Q Have been enrolled by this Commission. A Yes sir.
Q You are a son of William T. Boudinot for whom application was made before this Commission on January 28, 1902? A I am.
Q On March 19 , 1902, you appeared before this Commission and testified that you had not heard from your father since 1898, have you heard from him since that time? A No sir, I have not.
Q Where was he at the time you last heard from him? A At that time, the letter I received from him on April 8, 1898, was dated from Chicago.
Q Have any of your relatives heard from him, so far as you know.
A No, not that I know of.
Q Was it his custom to correspond with the members of his family regularly, prior to that time? A He never was away from home that I know of, before that time, for any length of time.
Q Have you any reason to believe that he is living at this time?
A No, I have no reason to believe that he is living, but no reason to believe that he is dead except the length of time that he has been away.
Q Prior to April, 1898, he had never been away from home for any length of time? A No, he had lived in the Cherokee Nation all his life; all the time since his majority. He was born a citizen of the Cherokee Nation, was educated in the North, but came back when he was about twenty-one.
Q Is your mother living? A Yes sir.
Q What is her name and where does she reside? A Her name is Caroline F. Boudinot, she is living at Beggs, I.T. at present, she resides with my brother part of the time, and with me at Tahlequah, part of the time.
Q Do you know whether or not she has heard from him since that time? A She has not. No sir.

Statement by Witness: I would like to make a statement; that it is a question whether, if he is dead now, he died before September 1, 1902, when the rolls closed. From the time he left until after that time, September first, 1902, his house and household goods remained just as he left them at Tahlequah, Indian Territory, and if alive , his home was there, in the Cherokee Nation.

Q With whom was he living at the time he left the Cherokee Nation?
A With my mother.
Q For what reason did he leave the Cherokee Nation?

A He was addicted to the morphine habit, and he started to a Sanitarium at Kansas City for treatment; that was on the 13th of March, 1898. A day or two afterwards he wrote me from East St. Louis that he was not satisfied with the institution at Kansas City, and was going further; that he would write again; He went on to state, in that letter that, the way he expressed it, w that he thought it would take at least two years to complete the plans he had to get his health back, that is to get free from the habit. He did not mean the treatment, exactly, but that was his statement, the treatment to go through with the plans he had for a complete cure.

Q Then you did not hear from him again until he was in Chicago?

A No sir.

Q Did he at that time state what his plans were? A He stated at that time that he would start that evening-- the letter was not dated, but was mailed on April 6, 1898-- that he would start that evening for Milwaukee, Wis. He evidently thought that I would attempt to follow him, or to find him -- find out where he was, as he stated that it would be no use for me to look for him or to try to find out where he was.

Q That is the last you know of him? A That is a l I know of him. I wish to state here, if you will allow me, that the position we take is not that we can prove whether he is alive, or was alive on September first, but that we should have the benefit of the doubt. I believe, myself, that he is dead now, but most others at Tahlequah, our friends, those who were acquainted with him, do not believe that he is dead.

Q These friends have nothing to base their suspicion that he is alive upon? A No, nothing except that he was astrong man and in good health when he left, exept from the effects of the morphine habit.

Q Have you, or any member of your family, made any effort to find him since April , 1898? A Yes, I kept a detective employed in Chicago for about a year. I will add, though, that I had the same man employed trying to locate him in Chicago from March 13 to April 8, while I know now he was in Chicago.

Q Was it through him you located him there? A Through the detective? No sir, the detective never got any trace of him, and he was at that time within two blocks of the detective's office.

Q You state that for a year afterwards you attempted to ascertain his whereabouts? A Yes,sir. I also advertised in the papers. I also advertised in the Chicago papers while he was in Chicago, but it had no effect.

Q You advertised in the Chicago papers before he wrote to you?

A Yes, while he was in Chicago.

Q Was it in response to the advertisement that he wrote to you?

A No sir.

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Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the proceedings had in the above cause on the first above mentioned date and that above and foregoing is a full, true and correct transcript of her stenographic notes therein.

Lucy M. Bowman

Subscribed and sworn to before me this February 3, 1905.

Notary Public

FILED
FOR
COMMISSIONER OF THE TRIBES

C.F.R.

Cherokee D 1068.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of WILLIAM P. BOUDINOT as a citizen by blood of the Cherokee Nation.

O R D E R

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, January 28, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of William P. Boudinot as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory February 3, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, William P. Boudinot, who is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, was a Cherokee by blood; that he was born in the Cherokee Nation and continuously resided therein until about the year 1898, when he left the Cherokee Nation; and that his whereabouts since then are unknown.

Every effort has been made since the date of the application for the enrollment of said William P. Boudinot to determine whether or not he was living on September 1, 1902, and if so, whether or not he was entitled to Cherokee citizenship on that date. No information has been obtained tending to show the status of said William P. Boudinot on September 1, 1902.

It is, therefore, ordered that the application for the enrollment of William P. Boudinot as a citizen of the Cherokee Nation be, and the same is hereby dismissed.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 28 1907

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902

Mrs. Caroline F. Boudinot,

Braggs, Indian Territory,

Madam:-

You are hereby notified that the application of William P. Boudinot

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-1069
Register.

Yours truly,

XXXXXXXXXXXXX
Acting Chairman.

Commissioner in Charge.

AD1068

FEB 28 1962

April 8, 1902.

C. D. 1008.

Frank J. Boudinot, Esq.,

[illegible], I. T.

Dear Sir:

Enclosed herewith find a copy of the brief of the Cherokee Nation in case Cherokee [illegible]. 1008, William J. Boudinot.

Please acknowledge receipt of same and oblige,

Yours truly,

Cherokee 2 1900

Muskogee, Indian Territory, June 14, 1900.

Mrs. Caroline F. Dunlap,

Braggs, Indian Territory.

Madam:

It is important in the further consideration of the matter of the application for the enrollment of your husband, William F. Dunlap, as a citizen of the Cherokee Nation, to know whether or not your husband was alive at the time you made application for his enrollment. If you have acquired any information in this regard since you submitted evidence in this application, you are required to appear before this Commission at its office in Muskogee, Indian Territory, before June 20, 1900, and testify further in the matter.

Yours truly,

Commissioner in Charge.

Register.

Cher. D-1868.

Muskogee, Indian Territory, June 17, 1902.

Caroline P. Boudinot,

Braggs, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of your husband, William P. Boudinot, as a citizen by blood of the Cherokee Nation, you are advised that he will be allowed thirty days from date hereof in which to appear in person before the Commission at Muskogee, Indian Territory, for examination under oath as regards his right to enrollment. In the event that he cannot appear in person you will be allowed the same length of time in which to appear before the Commission and submit affirmative evidence showing that the said William P. Boudinot was alive when application was made for his enrollment January 28, 1901, and that he was a resident of the Indian Territory on the 28th day of June, 1898.

Very respectfully,

Commissioner in Charge.

Register.

Cherokee D 1068.

Muskogee, Indian Territory, September 11, 1902.

John O. Rosson,

Tahlequah, Indian Territory.

Dear Sir:

Please advise the Commission whether or not you can procure such information as will enable it to ascertain the present whereabouts of William P. Boudinot, aged about seventy-two years.

Said William P. Boudinot has not been heard from since April, 1898. He is the father of Frank Boudinot.

Please furnish the Commission immediately with such information as you may be able to obtain.

Yours truly,

Acting Chairman.

Cherokee D-3207

D-1068.

Muskogee, Indian Territory, July 15, 1904.

Frank Boudinot,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 27, asking that you be entered as attorney in the application of Mary B. Church, Cherokee D-3107 and William P. Boudinot, Cherokee D-1069. You also ask to be entered as attorney for Ed Ross, whom you state has applied for enrollment as a Cherokee freedman, and you request a copy of the records in each of these cases.

In reply you are advised that your name has been entered as attorney in the Cherokee cases above mentioned, and there are herewith inclosed copies of the records in each of the said cases. You are further advised that the Commission's records show that Edward Ross of Fort Gibson, Indian Territory, is listed on straight Freedmen card No. 23 and appears on the final roll of Cherokee Freedmen approved by the Secretary of the Interior, opposite No. 66; that Edmond Ross of Tahlequah, Indian Territory, appears on straight Freedmen card No. 1109, and upon the final roll of Cherokee Freedmen opposite No. 2630. You are requested to advise the Commission if either of these persons is the one inquired about in your letter.

Respectfully,

Encl. S-87

Chairman.

COPY.

Cherokee D-1068.

Muskogee, Indian Territory, February 8, 1905.

Frank J. Boudinot,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on February 3, 1905, in the matter of the application for the enrollment of William T. Boudinot as a citizen by blood of the Cherokee Nation, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Incl. S-45.

COPY.

Cherokee D-1068.

Muskogee, Indian Territory, January 10, 1903.

Frank J. Boudinot,

Fort Gibson, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on March 19, 1902, you appeared before this Commission at Fort Gibson, Indian Territory, and gave testimony relative to the application of your father, William P. Boudinot, for enrollment as a citizen by blood of the Cherokee Nation.

At that time you stated that you had not heard from your father, either directly or indirectly, since April 8, 1898, and the Commission desires to know whether or not you have, since said appearance, heard anything of his whereabouts.

Respectfully,

SIGNED Tams Bixby.
Chairman.

JD

ATTORNEYS

L. B. BOTT

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, Secretary

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. [illegible]

MUSKOGEE, IND. TER.

Cher D 1069

Cher D 1069

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 28, 1901.

In the matter of the application of William Jackson for the enrollment of John M. Burns as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A William Jackson.
Q What is your age? A 65.
Q What is your postoffice address? A Wagoner.
Q Who do you apply for to have enrolled? A John M. Burns.
Q What is his age? A I can't positively say what his age is.
Q About how old? A About fifty years old. He is an intermarried white man.
Q What is his postoffice address? A Fort Gibson.
Q Where is John M. Burns? A He is in the penitentiary at Fort Leavenworth.
Applicant presents power of attorney, duly authenticated, signed by John M. Burns, authorizing the applicant as an attorney to apply for his enrollment as a Cherokee citizen by intermarriage.
Q What is the name of his wife? A Nancy Harper.
Q Is that her name now? A No, she's dead. Her name was Nancy Burns.
Q When did he marry her? A The license was ###### given on the 20th day of January, '91.
Q Have you any license and certificate of marriage? A Yes sir.
Applicant presents a duly authenticated marriage license and marriage certificate certifying that one John M. Burns was married to Nancy Harper, a Cherokee citizen by blood, on the 21st day of January, 1891.
Applicant: She went by the name of Nancy Hickey also.
Q She would be about sixty now is she were living? A Yes sir.
Q Was Nancy Harper, John M. Burns' first wife? A I don't know.
Q You don't know whether Burns was ever married before? A I don't know.
Q Was Nancy Harper ever married before? A I think so; her maiden name I think was Hickey.
Q You know whether her husband, before she married Burns, was living or whether she was divorced from him? A He was dead.
Q John M. Burns living with his wife? A At the time of her death he was.
Q Has he married since then? A No sir.
Q Did he live with her continuously from the time of their marriage until her death? A Yes sir, I know that to be a fact.
Q How long did John Burns live with Nancy Burns? A Several years; they were married in '91. He lived with her three or four years.

By J. L. Baugh, representative of the Cherokee Nation-
Q How long has he been in the penitentiary? A Since last May.
re-direct.
1896 roll; page 845, #309, Nancy Burns, Illin is district.

Commissioner Needles-

Applicant by virtue of his power of attorney applies for the enrollment of John M. Burns, who is incarcerated in the Fort Leavenworth penitentiary. He presents satisfactory certificate of his marriage license and certificate certifying that John M. Burns was married to said Nancy Harper in the year 1891, according to the laws of the Cherokee Nation, and that he lived with her continuously until herdeath, which was until three or four years ago; and tha name of said Nancy Harper is found upon the Census roll of 1896. Her name cannot be found upon the authenticated roll

of 1880. No satisfactory proof is made as to her citizenship. The name of John M. Burns is not found upon the Census roll of 1896; his name is not found upon any of the rolls of the Cherkee Nation, consequently final judgment as to the enrollment of said John M. Burns will be suspended, and his name will be placed upon a doubtful card awaiting the proof of citizenship of his wife, Nancy Harper, at the time they were married.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 29th day of January, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901

ACTING CHAIRMAN.

D - 1088.

Department of the Interior.
Comm ssion to the Five Civilized Tribes.
Muskogee, I. T., January 28, 1901.

Supplementary testimony in the case of John M. Burns.

Mr. Jackson, who made application for the enrollment of John M. Burns, being sworn, testified as follows: Examined by Commissionr T. B. Needles-

Q Now, what name is the wife of John M. Burns found on the authenticated roll of 1880? A As Nan Cobb.
Q Is Nan Cobb on the authenticated roll of 1880, and the wife of JohnM. Burns the identical person? A Yes sir.
Q How do you know? A Because I knew her always.
Q Do you know that hernamme was Cobb? A Yes sir.
Q Was she married to a man named Cobb? A Yes sir, he was killed at Fort Gibson.
Q What was his name? A Ed Cobb.
Q Who did Mannie Burns marry after the death of Cobb? A I don't know anyone but Burns.

By W. W. Hastins, representative of the Cherokee Nation-
Q What does the marriage license show? A It shows that she married a man by the name of Harper. She was living at that time with Ed Cobb; he was killed at Fort Gibson.
Q You don't know how she got the name of Harper after that? A I don't know; they were living together is all I know.
Q When you first testified, you didn't know this woman's name was Cobb? A No sir, I didn't think of it at that time, but since I thought of it, I am satisfied it was. I know they were living together.
Q You know what her father's name was? A No sir.
Q Her mother's name? A No sir.
Q You know what degree of blood she had?m A No sir. She looked like a full blood.
Q Is John M. Burns a white man? A Yes sir. She has two daughters that are enrolled I think.
Q Did you know Ed Cobb? A Yes sir.
Q Was he an Indian by blood? A Yes sir.
Q Is he living? A No sir, he's dead.
Q You know then positively that Ed Cobb and this NanCobb who is now the wife of Burns were living together about the year 1880 as man and wifeE A Yes sir, they were living together. I remember I prosecuted the man that killed Cobb. I knew Ed Cobb well.
1880 roll: page 515, #376, Nan Cobb, Illinois district.

Commissioner Needles-

The name of Nan Cobb is found upon the authenticated roll of 1880 according to page and number of the roll as indicated in the testimony. It is averred in the testimony just given that said Nan Cobb was the wife of said John M. Burns, and it appears from the supplementary testimony, and the original testimony given, that said John M. Burns should be listed for enrollment as a Cherokee citizen by intermarriage, and that testimony and judgment go with the card.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 29th day of January, 1901.

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901

ACTING CHAIRMAN

Chero. D-1069.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of John M. Burns for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Applicant appears by William Jackson, Attorney at Law; Wagoner; Cherokee Nation by W. W. Hastings.

The applicant and his attorney were notified by registered letter June 9, 1902, to appear before the Commission at Muskogee on or before June 24, 1902, and submit further evidence in regard to the residence of the said John M. Burns in the Cherokee Nation and the date of his imprisonment.

Thomas Young, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Thomas Young.
Q How old are you? A 32 years old.
Q What is your postoffice address? A Wagoner.
Q Are you acquainted with the applicant in this case John M. Burns? A Yes sir.
Q How long have you known him? A I have known him ten or twelve years.
Q Where was he living when you first learned to know him? A He was living over between Gibson Station and Fort Gibson, on the other side of Grand River.
Q Is he confined in the penitentiary at the present time? A Yes sir.
Q How long has he been there? A About two years, I think; aint certain about that.
Q Where has he been living from the time you knew him up to the time of his conviction? A He has been living close to home over there part of the time.
Q In what Nation? A Cherokee Nation.
Q Was he ever out of the Cherokee Nation after you learned to know him prior to his arrest and conviction? A He was living in Wagoner.
Q Was he ever outside of the territory? A Not that I know of.
Q Did you know his wife Nancy Harper? A Yes sir.
Q What is her citizenship? A Cherokee.
Q Do you know whether or not Nancy Harper was ever married before she married Burns? A She was living with a man by the name of Cobb. I don't know whether they were married or not. This was a good long while ago.
Q Was she ever divorced from him? A I don't know, he was killed.
Q Was he killed prior to the time she married Burns? A Yes sir.
Q Do you know whether she ever lived with a man named Harper? A That was her maiden name.
Q She was only married twice that you know of? A That is all I know of.
Q Do you know whether Burns was ever married before he married Nancy? A No sir, I don't know whether he was or not.
By Mr. Jackson: You know that this woman, Nancy Harper, that he married was the same woman that was living with Ed. Cobb? A Yes sir, she lived right there by us always ever since I can remember.

Commission: The applicant's attorney is requested to furnish the Commission with the certificate showing what date said John M. Burns was convicted and sentenced to the penitentiary. He will be given fifteen days from date hereof to furnish such information.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcriyt of his stenographic notes thereof.

D. A. Rothenberger.

Subscribed and sworn to before me this 26th day of June, 1902.

F. G. Reuter
Notary Public.

DEPARTMENT OF [illegible]
COMMISSION TO THE FIVE CIVILIZED [illegible]
FILED
JUN 27 1902

[illegible]

[illegible]

[illegible]

Cherokee D-1069.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 17, 1902.

In the matter of the application of John M. Burns for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A John M. Burns.
Q How old are you? A Fifty-two.
Q What is your postoffice? A Wagoner.
Q You are a white man are you? A Yes sir.
Q Are you claiming as a Cherokee citizen by intermarriage? A Yes sir.
Q What is your wife's name? A Nancy Cobb.
She was Nancy Harper, the name she was married under.
Q When were you married to Nancy Harper? A In '91.
Q Were you married under a Cherokee marriage license? A Yes sir.
Q Is Nancy your first wife? A No sir, second wife.
Q Was your first wife a white woman? A Yes sir.
Q Is she dead? A Yes sir.
Q Did she die before you married Nancy? A Yes sir.
Q Had you been married just once before you married your present wife? A Yes sir.
Q Now, had your wife, Nancy, ever been married before? A No, you might not call it married; it was the way the old Cherokees just took up and whenever they died or parted she took her maiden name back again.
Q Did she live with a man by the name of Harper? A She lived with a man by the name of Cobb and he got killed.
Q When was he killed? A I couldn't tell you.
Q Was he dead before yu married her? A He was dead a long time.
Q Your wife's maiden name was Harper? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Her name is on the roll of 1880? A Yes sir.
Q Under what name? A Under the name of Cobb.
Q Have you been living with your wife ever since you married her?
A Up until the time she died.
Q When did she die? A She died in '95.
Q Did you live with her from the time you married her up until the time of her death? A Yes sir.
Q Never were separated? A No sir.
Q How long have you lived in the Cherokee Nation? A About fifteen or sixteen years.
Q Continuously? A Yes sir, all but the last three years.
Q You were up in Kansas the? A Yes sir, I was in Kansas the last three years.
Q With that exception you have made your home in the Cherokee Nation?
A Yes sir.
Q Lived there all the time? A Yes sir.
M. C. Starr: What was the name of your first wife? A Crow.
Q What was her full name? A Lucinda.
Q Where were you and she married? A We were married in Georgia.
Q What town? A Dalton.
Q Did you live with her until she died? A Yes sir.
Q Where were you living when she died? A Over at Fort Gibson.
Q Fort Gibson was your petoffice at that time? A Yes sir.
Q What was the name of your second wife's first husband? A Lewis Keys if I have been informed right.
Q Was she ever married to him? A Not that I know of. I can't tell you whether she was.

Q Did she live with him as his wife? A Yes sir.
Q How long did she live with him? A I don't know exactly.
Q Was he dead before you married her? A Yes sir.
Q What was the name of her next husband? A Ed.Cobb.
Q Cobb was dead before you married her? A Yes sir.
Q What was the name of the next husband? A Burns.
Q That is yourself? A Yes sir.
Q That is all the husbands she ever had before you married her?
A That is all I ever knew of.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E.G. Rothenberger.

Subscribed and sworn to before me this 18th day of November, 1902.

B.O. Jones
Notary Public.

Q Did you live with her as his sister? A No sir.
Q How long did she live with him? A I don't know exactly.
Q Was he dead before you married her? A Yes sir.
Q What was the name of her husband? A Ed. Tom.
Q How long had before you married her? A Yes sir.
Q What was the name of the next husband? A Burns.
Q What is your age? A Yes sir.
Q That is all the questions you have to ask.
A That is all I ever heard of.

The undersigned, being duly sworn, states that he stenographer to the Commission in the Five Civilized Tribes in connection with testimony and proceedings in this case, and that the proceedings is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of November, 1907.

Notary Public.

Cher
Supp'l to D 1069

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 10, 1903.

In the matter of the application of JOHN M. BURNS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

JOHN M. BURNS, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A John M. Burns.
Q How old are you ? A I will be fifty six next July.
Q What is your post office address ? A Wagoner.
Q Are you a white man ? A Yes sir.
Q You are claiming the right to be enrolled as a citizen by intermarriage, are you ? A Yes sir.
Q What is your wife's name, through whom you claim your citizenship?
A Nancy Hooper.
Q Was that her name when you married her ? A Yes sir.
Q Had she ever been married before ? A No sir.
Q Was that her maiden name ? A Yes sir, that was her maiden name.
Q Was she ever known as Cobb ? A Yes sir, she lived with a fellow by the name of Cobb, and was on the roll under the name of Cobb.
Q Is she on the roll of 1880 under the name of Cobb ?
A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you married to her ? A In 1891.
Q Were you married under a Cherokee marriage license ?
A Yes sir.
Q You say your wife had never been married to this man Cobb ?
A No sir, they lived together and she went by the name of Cobb while they lived together.
Q How long did they live together ? A Some three or four years, I can't tell you exactly, not knowing exactly myself.
Q That was around about 1880 that they lived together ?
A Yes sir.
Q What was her husband's name ? A Ed Cobb.
Q Was he a Cherokee ? A Yes sir.
Q When did they separate; when did they quit living together ?
A I don't know, he was killed.
Q Was that before you were married to her ? A Yes sir.
Q Was that the only fellow she ever lived with ? A No sir, she lived with a fellow named Lewis Keys.
Q Was she married to him ? A No sir.
Q She lived with Keys before she lived with Cobb ? A Yes sir.
Q Had she children by either of them ? A Yes sir, she had children by Keys.
Q She didn't have any by Cobb ? A No sir.
Q Was Keys dead when you married her ? A Yes sir.
Q Both these men were dead before you were married to her ?
A Yes sir.
Q Had you ever been married before ? A Yes sir.
Q What was your first wife's name ? A Crowe.
Q What was her given name ? A Lucy.
Q Was she a Cherokee ? A No sir.
Q She was a white woman ? A Yes sir.

Q Is she living or dead ? A She's been dead ever since 1884.
Q Was that the only time you had ever been married before you were married to Nancy ? A Yes sir.
Q Now is Nancy living ? A No sir.
Q When did she die ? A She died in 1895.
Q Did you live together from 1891 up to 1895 ? A Yes sir.
Q In the Cherokee Nation ? A Yes sir.
Q Have you married since the death of your wife Nancy ?
A I have not.
Q You have remained single all that time ? A Yes sir, I am yet.
Q Have you resided in the Cherokee Nation ever since your marriage in 1891 ? Ever since your marriage to your wife Nancy ?
A All except about four years of the time, about thirty eight months of the time I was at Fort Leavenworth.
Q What four years was that ? A Well I just got out of there the 17th of September last.
Q With that exception have you been residing in the Cherokee Nation ? A Yes sir.
Q Have you any children by your wife Nancy ? A No sir, no children at all.
Q Who made application for your enrollment, do you know ?
A Captain Jackson, at Wagoner, I employed him while I was in the "pen" to do my business for me.
Q He gave your age as fifty, you say you are older than that ?
A Yes sir, I will be fifty six next July. He might have give it that way because he thought, I guess, that I was about that old.
Q Had your wife Nancy been living in the Cherokee Nation from 1880 up to the time you married her ?
A Yes sir, she lived there all her life.
Q You have never had a home anywhere else since you married Nancy ? A No sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this February 28, 1903.

Lionel Foreman

Notary Public.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

50.

Date January 28 1900.

Name John M. Burns was Ft. Gibson I.T. now " Leavenworth Kan Prison

District ..... Year ..... Page ..... No. .....

Citizen by blood no Mother's citizenship U.S.

Intermarried citizen yes

Married under what law Cherokee Date of marriage Jan 30, 1891

License Filed this day Certificate Filed this day

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Not found on any Roll.

In Prison, Ft Leavenworth, Kansas.

~~Wife on 1896 Roll~~

Proof of wife's citizenship to be supplied

DIB 19 B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 28 1901

ACTING CHAIRMAN

Marriage License.

CHEROKEE NATION, I. T.,)
Illinois DISTRICT.)

To Any Person Legally Authorized to Solemnize Marriage—Greeting:

You are hereby authorized to join in the **Holy Bonds of Matrimony,** *and to celebrate the rites and ceremonies of* **Marriage,** *between Mr.* John M. Burns, *a citizen of the United States and Miss* Nancy Harper, *a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this* **License** *to me, for record within thirty days from the celebration of such* **Marriage** *with a Certificate of the same appended thereto and signed by you.*

Given under my hand and Seal of Office this the [redacted] *day of* January *A. D.* 187[illegible]

J. A. Thornton
Clerk Illinois *District.*

CHEROKEE NATION, I. T.,)
Illinois DISTRICT)

I, T. Jay Thornton a clerk of Court hereby certify that on the 21 day of January 1891 I joined in Marriage Mr John M. Burns a citizen of the United States and Mrs Nancy Harper a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 21 day of January A. D. 1891

T. Jay Thornton
Clerk

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
JAN 28 '93

D 1069

UNITED STATES

VERSUS

CERTIFIED COPY OF JUDGMENT, SENTENCE, AND ORDER OF COMMITMENT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1902
ACTING CHAIRMAN.

D 1069

UNITED STATES

VERSUS

CERTIFIED COPY OF JUDGMENT, SENTENCE, AND ORDER OF COMMITMENT.

7—685

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1902
ACTING CHAIRMAN.

Received, at the .....

penitentiary at .....

this day of ....., A. D. 190 ,

from ..., Marshal of the

United States for the Indian Territory, ... District,

the body of the within-named defendant

, together with a copy of this writ.

I certify that I have, in obedience to the within copy of judgment, sentence, and order of commitment, delivered the within-named ...., together with a copy of the within copy of judgment, sentence, and order of commitment, into the custody and hands of the Warden of the penitentiary at ....., on the ..... day of ....., 190 , and have his receipt therefor indorsed thereon, as within I am commanded.

U. S. Marshal for the Indian Territory. *District.*

By *Deputy.*

UNITED STATES

VERSUS

CERTIFIED COPY OF JUDGMENT, SENTENCE, AND ORDER OF COMMITMENT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1902
ACTING COMMISSIONER.

2 1069

Form No. 301.

CERTIFIED COPY OF JUDGMENT, SENTENCE, AND ORDER OF COMMITMENT.

United States of America,
INDIAN TERRITORY, } ss.:
Northern District.

Thursday Morning, 9 o'clock, April 20th A. D. ~~1902~~ 1899

Court met pursuant to adjournment. Present, the Honorable John R. Thomas *Judge of the United States Court for said District.*

UNITED STATES
vs.
John M. Burnes

No. 157
Indictment for Disp of Intox Liq.
IN THE INDIAN TERRITORY.

On motion of P. L. Soper, Esq., Attorney for the United States Court for said District, the said defendant John M. Burnes was brought to the bar of the Court in custody of the Marshal for said District, and it being demanded of him what he has to or can say why the sentence of the law upon the Verdict of guilty heretofore found against him by the Jury in this cause on the 17th day of April A. D. 1899, shall not now be pronounced against him, he says he has nothing further or other to say than he has heretofore said:

Whereupon, The premises being seen and by the Court well and sufficiently understood, it is considered by the Court here that the said John M. Burnes for his Crime aforesaid, be imprisoned in the penitentiary situated at Ft Leavenworth Kansas for the term and period of Four (4) years and that he pay to the United States of America a fine of Five Hundred ($500.00) Dollars, together with all their costs in and about this prosecution laid out and expended, and that they have execution therefor.

It is further considered. That the Marshal of this Court in whose custody the said John M Burnes is now here committed, receive and safely keep and convey the body of the said John M. Burnes hence to said penitentiary without delay, and deliver him to the custody of the keeper of said penitentiary, who will receive and safely keep the said John M. Burnes in said penitentiary, in execution of the sentence aforesaid, and in conformity with the same, for the full period of the time aforesaid;

And it is further ordered, That the Clerk of this Court furnish the Marshal of this Court with two duly certified copies of this judgment, sentence, and order, one of which shall be delivered to the keeper of said penitentiary, and the other returned by the Marshal to this Court, with a full and true account of the execution of the same.

I, Chas A. Davidson Clerk of the United States Court in the Indian Territory, Northern District, hereby certify that the foregoing is a true and correct copy of the judgment, sentence, and order in the above-entitled cause, as the same appears of record.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court at Wagoner, in said Indian Territory, this 13 day of June, A. D. ~~1900~~ 1902

Chas A. Davidson *Clerk.*

By R. C. Hunter *Deputy.*

POWER OF ATTORNEY

FROM

Frank Parker

TO

William Jackson

Filed for Record 189

at o'clock M. and recorded in

Book Page

Recorder of

County

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 28 1901
ACTING CHAIRMAN.

POWER OF ATTORNEY

FROM

John M Davis

TO

William Gustison

Filed for Record 189

at o'clock M and recorded in

book Page

Recorder of

County

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 28 1901
ACTING CHAIRMAN

Printed and for sale by THRASH LICK PRINTING CO., Fort Smith, Ark. FORM 101

POWER OF ATTORNEY

Know All Men by These Presents:

THAT I, John M. Burns now in the US prison of Fort Leavenworth County, State of Kansas have made, constituted and appointed, and by these presents do make, constitute and appoint William Jackson of the Cherokee Nation County, State of Indian Territory my true and lawful Attorney, for me and in my name, place and stead to attend to all my business in the aforesaid Nation to appear before the U.S. Commission known as the Dawes Commission that are now doing business and making out a roll of Cherokee Citizenship in that Country and represent me there. To locate my Claim and select it from the public domain of the Cherokee Nation and all other business and interests that I may be possessed of in the Cherokee Nation

giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said Attorney or substitute shall lawfully do or cause to be done by virtue hereof

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of Dec. 1900.

Signed and delivered in the presence of
George Eppert
James L. Stewart

John M Burns

STATE OF Kansas
Leavenworth COUNTY, } ss.

BE IT KNOWN, That on the Sixth day of December 1900 before me, John C. Ripley a Notary Public within and for said County and State, personally came John M. Burns to me personally known to be the identical person described in and who executed the foregoing letter or power of attorney, and acknowledged the execution thereof to be his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

John C. Ripley
Notary Public
My Commission Expires Sept. 1st. 1904.

Cherokee D-1069.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John M. Burns as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on January 28, 1901, William Jackson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of John M. Burns as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 20, 1902.

The evidence shows that John M. Burns, confined in the penitentiary at the time of this application, was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on January 21, 1891, to Nancy Harper, a citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880. John M. Burns lived with his said wife until her death.

The evidence further shows that John M. Burns lived in the Indian Territory from the year of his said marriage until his imprisonment in the penitentiary, being a resident of either the Cherokee Nation or the Creek Nation during that period.

It is, therefore, the opinion of this Commission that John M. Burns should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this_____

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550

Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252

William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	~~4131~~
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030

George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hanks	7147
Otto J. Zufall	7149
Rufus M. Norman	7155
Mary F. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
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Martha A. Perdue	R	45	Lizzie Davis	R	761
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THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Muskogee, Indian Territory, June 8, 1904.

Mr. William Jackson,

Wagoner, Indian Territory.

Sir:

In the matter of the application for the enrollment of John M. Burns as a citizen of the Cherokee Nation, you are required to appear before this Commission before June 24, 1904, and submit further evidence regarding the residence of the said John M. Burns in the Cherokee Nation, and the date of his imprisonment.

You are also required to submit further evidence as to whether or not, Webb and Harper, the former husbands of Nancy Burns, were dead before her marriage to John M. Burns.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee D 1049,
Register.

Cherokee D-1069

Muskogee, Indian Territory, December 6, 1902.

John M. Burns,

Wagoner, Indian Territory.

Dear Sir:-

You are hereby notified that the testimony given by you October 17, 1902, in the matter of your application for enrollment as a citizen of the Cherokee Nation, fails to show that you have not remarried since the death of your Cherokee wife, Nancy Burns.

Before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary for you to appear before the Commission at its offices at Muskogee, Indian Territory, and give further testimony showing that you have not remarried since the death of your wife, Nancy Burns.

Respectfully,

Acting Chairman.

Cherokee D 1069

Vinita, Indian Territory, January 26, 1903.

John M. Burns,

Lacomber, Indian Territory.

Dear Sir:

On December 6, 1902, you were notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation would be complete, it would be necessary for you to appear before the Commission and give further testimony showing that you have not remarried since the death of your wife, Nancy Burns.

This testimony has not yet been introduced and you are now notified that you will be given until February 19, 1903, in which to appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, and give this testimony.

When you appear, please present this letter.

Respectfully,

Acting Chairman.

GRS

Cherokee D-1069

Muskogee, Indian Territory, February 6, 1903.

William Jackson,

Wagoner, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 3, relative to a notice sent John M. Burns, that further testimony is required by the Commission in the matter of his application for enrollment as a citizen of the Cherokee Nation. You call attention to the fact that testimony was introduced in this case on October 17, 1902, and ask if this testimony is not sufficient.

In reply you are advised that the testimony taken October 17, 1902, does not fully cover the point upon which further testimony is desired: viz; whether John M. Burns has re-married since the death of his wife, Nancy Burns.

Respectfully,

Acting Chairman.

GRS

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1069.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, March 10th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith for decision, the record in the matter of the application of John M. Burns, Cherokee D-1069, the same being now deemed complete.

Respectfully,

P. J. Rester
Clerk in Charge.

Enc. C-64.
JOC.

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COMMISSION TO FIVE TRIBES.			
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Cherokee Land Office,
Vinita, I. T.,
March 10, 1903.

Trans., for decision, the record in case John M. Burns.

CHIEF LAW CLERK

Cher. D 1069

Muskogee, Indian Territory, January 10, 1907.

John M. Burns,

Wagoner, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LWO

REFER IN REPLY TO THE FOLLOWING:

Cherokee 22049

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

John M. Burns,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

RPI

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements

the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

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Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

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NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

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John M. Burns,

Wagoner, Indian Territory.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

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John M. Burns,

Wagoner, Indian Territory.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 28, 1901.

In the matter of the application of Charley Hendricks for the enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Charley Hendricks.
Q How old are you? A 22.
Q What is your postoffice? A Claremore.
Q What district do you live in? A Coowescoowee district.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Myself and wife and little child.
Q What is the name of your wife? A Alcy.
Q How old is she? A She's 21.
Q Is she a citizen by blood? A Yes sir.
Q What was her name before you married her? A Johnson.
Q What was her father's name? A Step Johnson.
Q Is her father living? A No sir.
Q What was her mother's name? A I don't know.
Q What was your father's name? A Dave .
Q Is he living? A Yes sir.
Q What was your mother's name? A Martha.
Q Is she living? A Yes sir.
1880 roll; page 768, #1011, Charley Hendricks, Tahlequah district.
Q Is your wife a Cherokee by blood? A Yes sir.
Q What district did she live in in 1880? A Coowescoowee.
Q Did she have any stepfather or stepmother? A She had a step-father.
Q What was his name? A Tesna Sequa. Her mother's Cherokee name was York-se.
1896 roll; page 174, #2146, Charley Hendricks, Coowescoowee dist.
Applicant- I haven't been married but three years.
Q Did your wife draw strip money in 1894? A Yes sir.
Q Under what name? A I don't know, I suppose Alcy Johnson.
Q What degree of Cherokee blood has this wife of yours? A She's a full blood.
Q Are you a full blood? A Yes sir, about full blood.
Q You know where your wife was born? A I suppose in Coowescoowee district.
Q Has she lived there all her life? A Yes sir.
1894 roll; page 296, #3860, Elsie Johnson, Coowescoowee district.
Q You don't know whether your wife's mother was ever married to a man named Johnson? A No sir, I don't know.

Witness, David Hendricks, being sworn, testified-
Q What is your name? A David Hendricks.
Q What is your postoffice? A Claremore.
Q You know Charley Hendricks's wife? A Yes sir.
Q What is her name? A Alcy Johnson, used to be.
Q Is she a full blood Cherokee? A Yes sir.
Q Did you know her mother? A No, I knew her after her folks died; four or five years ago.
Q You knew Alcy after her folks died? A Yes sir.
Q You didn't know her father and mother? A No sir.
Q Do you know what her mother's name was? A No, I couldn't tell you.

re-direct.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Live here now? A Yes sir.
Q You have one child? A Yes sir.
Q What is its name? A Annie.
Q Is that child living? A Yes sir.

P. O. B.

Commissioner Needles:

The name of Charley Hendricks appears upon the authenticated roll of 1880 as well as the Dawes roll of 1896. He avers that he was married to one Aley Johnson, a full blood Cherokee. The name of said Aley Johnson is found upon the pay roll of 1894. She cannot be found upon the authenticated roll of 1880, nor the Census roll of 1890. No satisfactory testimony is given as to her parentage, nor identification. He avers that by said marriage he has one child, Annie, one year old, who does not appear upon the Census roll of 1890, having been born after the same was compiled, but makes satisfactory proof of its birth. He is duly identified, and makes satisfactory proof as to his residence, consequently Charley Hendricks will be duly listed for enrollment as a Cherokee citizen by blood, and final judgment as to the enrollment of his wife, Aley, and his child, Annie, will be suspended and their names will be placed upon a doubtful card, awaiting proof of citizenship as to his wife, Aley.

E. C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 29th day of January, 1901.

Commissioner.

R.

C. D-1070.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

In the matter of the application of Alcy Johnson for the enrollment of herself as a citizen of the Cherokee Nation.

ALCY JOHNSON, being first duly sworn, and being examined, testified as follows, through Official Interpreter S. R. Walkingstick

BY COMMISSION OF ALCY JOHNSON: What is your name? A. Alcy Johnson.
Q. How old are you? A. Twenty-four years old.
Q. What is your postoffice address? A. Claremore,
Q. What district are you living in? A. Ceeweesceewee.
Q. Do you apply for enrollment as a Cherokee by blood? A.Yes sir.
Q. Are you a Cherokee fullblood? A. Yes sir.
Q. Do you apply for anyone besides yourself? A. No sir, just myself.
Q. What is your father's name? A. Stop Johnson.
Q. Is he living or dead? A. He is dead.
Q. Your father was a fullblood Cherokee? A. Yes sir.
Q. What is the name of your mother? A. Chicenell Johnson.
Q. Is she living or dead? A. She is dead.
Q. Was your mother a full blood? A. Yes sir.
Q. Were you born in the Cherokee Nation? A. Yes sir.
Q. Have you livedthere all your life? A. Yes sir.
Q. Living there at the present time? A. Yes sir.
Q. Have you ever made your home in any other state or territory?
A. No sir.
Q. What district were your parents living in in 1880?
A. I have always livéd in Ceeweescceewee District, born and raised there.
Q. Did you ever go by any other name than Alcy Johnson, ever call you anything else? A. No sir.
Q. How long have your father and mother been dead ?
A. Both died when I was small.
Q. Do you know whether they died before the roll of 1880 was made?
A. They died before the 1880 roll was made.
Q. Who did you go to live with after your father and mother died?
A. Lived with a family named Tahgargeesah.
Q. Have you any brothers and sisters? A. Only have a half sister.
Q. What is her name? A. Careline Scullawl.
Q. Is she older or younger than you? A. Older.
Q. How much older? A. She is about twenty-eight years old.
Q. Did you both have the same mother? A. No, the same father, different mothers. I lived with this Indian family and then afterwards went to live with Adolphus Crutchfield.
Q. About how old were you when you went to live with Adolphus Crutchfield? A. I was thirteen years old.
Q. Did you live with this Indian family that you mentioned first all the time until you reached the age of thirteen years? A.Yessir.
Q. Did you ever know anybody named Alex Moneyminder? A. No sir.
Q. Did you ever have a child? A. Yes sir.
Q. What was its name? A. Annie. The child is dead now. In 1896 I went to Dave Hendricks'.
Q. Did you ever have a step-father? A. No sir.
Q. Who died first, your father or your mother? A. I think my mother died first. She has never applied for enrollment to this Commission.
Q. Did you ever go by any other name than Alcy Johnson?

A. That is the only name I was ever known by.
Q. Did they ever call you Susan or Sally? A. No sir.
Q. Are you married? A. No sir.
Q. Did you ever live with any man as his wife? A. No sir, stayed with one a short time, thatis all.
Q. Did you ever live with Charlie Hendricks? A. Yes sir.
Q. How long did you live with him? A. About five years.
Q. Do you know when it was you began to live with him?
A. It is five years now.
Q. Are you living with him now? A. No sir.
Q. When did you separate? A. About a year ago.
Q. Your child Annie is dead? A. Yes sir.
Q. You have always made the Cherokee Nation your home, have you?
A. Yes sir.
Q. Have you ever lived outside of it? A. No sir.
Q. Was your mother ever known as Nancy? A. I don't remember.
Q. What was the name of this half sister of yours?
A. Her name was Caroline Johnson, and her name now is Caroline Sullawl.

Applicant appears on 1880 roll, page 182, number 2811, Alcy Step, Ceweesceewee District, native Cherokee .
1896 roll, page 261, number 4588, Alcie Stepp, Ceweesceewee District.

Q. Do you want to be enrolled under the name of Alcy Henericks or Alcy Johnson? A. Alcy Johnson.
Q. That is the way you want to be enrolled? A. Yes sir.
Q. You are not living with Hendricks now? A. No sir.
Q. You never were married to him? A. No sir.
Q. Your child Annie Hendricks is dead? A. Yes sir.

The applicant was notified by registered letter February 27, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 15th day of March, 1902. The applicant this day, to-wit: the 13th day of March, 1902, appears in person, and by agreement the case is taken up for consideration. It appears from the testimony in this case that the applicant is duly identified on the authenticated roll of 1880 as Alcy Step, her father having been named Step Johnson. She is likewise identified on the census roll of 1896 as Alcie Stepp. It is directed that this case be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE ARMY
COMMISSION ON THE CIVILIAN COMMITMENT
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of ALCY JOHNSON and her minor child, ANNIE HENDRICKS, as citizens by blood of the Cherokee Nation.

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D E C I S I O N.

The record in this case shows that on January 28,1901, Charley Hendricks appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of Alcy Johnson, by the name of Alcy Hendricks, and her minor child, Annie Hendricks, as citizens by blood of the Cherokee Nation. The application also included Charley Hendricks, but he is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902.

The evidence shows that the applicant is the daughter of one, Stop Johnson; that she is a Cherokee by blood, and is identified as such, by the name of Alcy Stop, on the 1880 authenticated roll of the Cherokee Nation. She is also identified, by the name of Alcie Stopp, on the 1896 census roll of said Nation as a native Cherokee. The said Annie Hendricks is too young to appear on any of the tribal rolls of said Nation, but is identified by a birth affidavit on file with the Commission.

The evidence further shows that at the date of this application and for several years prior thereto,the applicant lived with said Charley Hendricks,a native Cherokee, but that they were never lawfully married. Their child, the said Annie Hendricks, died on June 22, 1901.

It is, therefore, the opinion of this Commission that Alcy Johnson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898,(30 Stats.,495), and it is so ordered; and it is further ordered by this Commission that the application for the enrollment of Annie Hendricks be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES Cherokee D 1070.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting the application of Charley Hendricks for the enrollment of Alcy Johnson as a citizen by blood of the Cherokee Nation, and dismissing his application for the enrollment of Annie Hendricks as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
~~Acting Chairman.~~

Enclosure H. No. 15.

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IN THE MATTER OF THE APPLICATION OF

Alex Hendricks et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Decision

(Original testimony) Jan. 22. 1901

Memo of applications Jan. 28. 1901

(Affidavit of Joseph H. & Anna Hendricks

Notice of final consideration, 3/15/02

Cher D 1071

Cher D 1071

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 28, 1901.

In the matter of the application of Harmon A. Shoemake for the enrollment of hi[redacted] wife and children as Cherokee citizens: he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Harmon A. Shoemake.
Q What is your age? A 33.
Q What is your postoffice address? A Gritts.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll? A I want to enroll my children.
Q Yourself? A Yes, myself and my family; wife and children.
Q What is your wife's name? A Nancy.
Q She a Cherokee by blood? A No sir.
Q What was her name before you married her? A Daniels.
Q How old is she? A 28.
Q Any certificate of marriage? A No sir, I haven't.
Q Any proof of marriage? A No, I haven't here.
Q Who married you? A I was married in the Choctaw Nation; I don't remember the man who married me. I have been married 13 years.
Q What are the names of these children? A Rose Anna.
Q How old is Rose Anna? A She's 11 years old.
Q Next child? A James W.
Q How old is he? A 9 years old.
Q Next one? A Noah H.
Q How old is Noah? A 6.
Q The next child? A Mattie M.
Q How old is she? A Four years old. I have a certificate here for two.
Q The next one is named Rexie L.? A Yes sir. He's three years old. Ella, one year old.
Q Six children? A Yes sir.
Q Your name on the roll of 1880? A On '83.
Q Have you a certificate of admission? A I have it here with me.
Applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on Citizenship at Tahlequah, dated the 30th of January, 1883, signed by Thomas Tehee, President, Alex Wolfe and T. F. Thompson, Commissioners, attested by D. W. C. Duncan, Clerk, certifying among others that one Harmon Shoemake was duly admitted to Cherokee citizenship on the 30th day of January, 1883.
Q In the certificate you present, I find the name of Harmon Shoemake; are you the identical Harmon Shoemake mentioned in this certificate? A Yes sir.
Q How long have you lived in the Cherokee Nation? A We have been here about 21 years.
Q Living here continuously since that time? A Yes sir, here in the Cherokee Nation.
Q When did you marry your wife, Nancy? A 13 years ago.
Q Were you her first husband? A Yes sir.
Q Is she your first wife? A Yes sir.
Q Have you been living with her continuously since you married her? A Yes sir.
Q Living with her now? A Yes sir.
Q These children that you mention, are they all living at this time? A Yes sir.
Q Living with you? A Yes sir.

1896 roll: page 66, #1811, Harmon Shoemake, Canadian District.
1896 roll: page 93, # 259, Nancy Shoemake, Canadian District.
1896 roll: page 66, #1812, Rose A. Shoemake, Canadian District.
1896 roll: page 66, #1813, James W. Shoemake, Canadian District.
1896 roll: page 66, #1814, Herman Shoemake, Canadian District.
1896 roll: page 66, #1815, Mattie M. Shoemake, Canadian District.

Q New, Mr. Shoemake, can you make any proof as to your marriage?
A I have no certificate. I reckon I can make proof that I have lived with her as man and wife.
Q Was anybody there that saw you married? A Yes sir, there were two; one is dead, and the other I reckon is living in the State of Arkansas.
Q You don't know where the man is that married you? A No sir, I don't.
Q Anybody present here? A Nobody here that has known me all my married life. I didn't get no certificate when I was married.

Commissioner Needles-
The name of Harmon A. Shoemake is found upon the census roll of 1896 as Harmon Shoemake, and he presents satisfactory proof of his admission to Cherokee citizenship, more particularly described in the testimony. He avers that he was married to one Nancy Daniels, a non citizen, about thirteen years ago, and the name of Nancy Daniels is found upon the Census roll of 1896 as Nancy Shoemake, his wife, but he presents no satisfactory proof of his marriage. The names of his children, Rose A., James W., Noah H., and Mattie M., appear upon the Census roll of 1896, and he makes satisfactory proof of birth of two younger children, Rexie L. and Ella, whose names do not appear upon the Census roll of 1896, having been born after said roll was compiled. They are all duly identified according tot page and number of the roll, and makes satisfactory proof as to residence; but now comes the Cherokee Nation by its representatives and protest against the enrollment of said Harmon A. Shoemake and his family, averring that he was admitted to citizenship by fraud, consequently final judgment as to the enrollment of said Harmon A. Shoemake and his children as Cherokee citizens by blood, and his wife, Nancy, as a Cherokee citizen by intermarriage, will be suspended, and their names placed upon a doubtful card. It will be necessary for said Harmon A. Shoemake to present to this Commission satisfactory proof of his marriage to Nancy Daniels.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 29th day of January, 1901.

(Signed) T. B. Needles,
Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 28, 1901.

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Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll? A I want to enroll my children.
Q Yourself? A Yes, myself and my family; wife and children.
Q What is your wife's name? A Nancy.
Q She a Cherokee by blood? A No sir.
Q What was her name before you married her? A Daniels.
Q How old is she? A 28.
Q Any certificate of marriage? A No sir, I haven't.
Q Any proof of marriage? A No, I haven't here.
Q Who married you? A I was married in the Choctaw Nation; I don't remember the man who married me. I have been married 13 years.
Q What are the names of these children? A Rose Anna.
Q How old is Rose Anna? A She's 11 years old.
Q Next child? A James W.
Q How old is he? A 9 years old.
Q Next one? A Noah H.
Q How old is Noah? A 6.
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Q How old is she? A Four years old. I have a certificate here for two.
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Q Living here continuously since that time? A Yes sir, here in the Cherokee Nation.
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Q Were you her first husband? A Yes sir.
Q Is she your first wife? A Yes sir.
Q Have you been living with her continuously since you married her?
A Yes sir.
Q Living with her now? A Yes sir.
Q These children that you mention, are they all living at this time? A Yes sir.
Q Living with you? A Yes sir.

1896 roll: page 66, #1811, Harmon Shoemake, Canadian District.
1896 roll: page 93, # 259, Nancy Shoemake, Canadian District.
1896 roll: page 66, #1812, Rose A. Shoemake, Canadian District.
1896 roll: page 66, #1813, James W. Shoemake, Canadian District.
1896 roll: page 66, #1814, Herman Shoemake, Canadian District.
1896 roll: page 66, #1815, Mattie M. Shoemake, Canadian District.

Q Now, Mr. Shoemake, can you make any proof as to your marriage?
A I have no certificate. I reckon I can make proof that I have lived with her as man and wife.
Q Was anybody there that saw you married? A Yes sir, there were two; one is dead, and the other I reckon is living in the State of Arkansas.
Q You don't know where the man is that married you? A No sir, I don't.
Q Anybody present here? A Nobody here that has known me all my married life. I didn't get no certificate when I was married.

Commissioner Needles-
The name of Harmon A. Shoemake is found upon the census roll of 1896 as Harmon Shoemake, and he presents satisfactory proof of his admission to Cherokee citizenship, more particularly described in the testimony. He avers that he was married to one Nancy Daniels, a non citizen, about thirteen years ago, and the name of Nancy Daniels is found upon the Census roll of 1896 as Nancy Shoemake, his wife, but he presents no satisfactory proof of his marriage. The names of his children, Rose A., James W., Noah H., and Mattie M., appear upon the Census roll of 1896, and he makes satisfactory proof of birth of two younger children, Rexie L. and Ella, whose names do not appear upon the Census roll of 1896, having been born after said roll was compiled. They are all duly identified according tot page and number of the roll, and makes satisfactory proof as to residence; but now comes the Cherokee Nation by its representatives and protest against the enrollment of said Harmon A. Shoemake and his family, averring that he was admitted to citizenship by fraud, consequently final judgment as to the enrollment of said Harmon A. Shoemake and his children as Cherokee citizens by blood, and his wife, Nancy, as a Cherokee citizen by intermarriage, will be suspended, and their names placed upon a doubtful card. It will be necessary for said Harmon A. Shoemake to present to this Commission satisfactory proof of his marriage to Nancy Daniels.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 29th day of January, 1901.

(Signed) T. B. Needles,
Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 28, 1901.

In the matter of the application of Harmon A. Shoemake for the enrollment of himself, wife and children as Cherokee citizens: he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Harmon A. Shoemake.
Q What is your age? A 33.
Q What is your postoffice address? A Gritts.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll? A I want to enroll my children.
Q Yourself? A Yes, myself and my family; wife and children.
Q What is your wife's name? A Nancy.
Q She a Cherokee by blood? A No sir.
Q What was her name before you married her? A Daniels.
Q How old is she? A 28.
Q Any certificate of marriage? A No sir, I haven't.
Q Any proof of marriage? A No, I haven't here.
Q Who married you? A I was married in the Choctaw Nation; I don't remember the man who married me. I have been married 13 years.
Q What are the names of these children? A Rose Anna.
Q How old is Rose Anna? A She's 11 years old.
Q Next child? A James W.
Q How old is he? A 9 years old.
Q Next one? A Noah H.
Q How old is Noah? A 6.
Q The next child? A Mattie M.
Q How old is she? A Four years old. I have a certificate here for two.
Q The next one is named Rexie L.? A Yes sir. He's three years old. Ella, one year old.
Q Six children? A Yes sir.
Q Your name on the roll of 1880? A On '83.
Q Have you a certificate of admission? A I have it here with me.
Applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on Citizenship at Tahlequah, dated the 30th of January, 1883, signed by Thomas Tehee, President, Alex Wolfe and T. F. Thompson, Commissioners, attested by D. W. C. Duncan, Clerk, certifying among others that one Harmon Shoemake was duly admitted to Cherokee citizenship on the 30th day of January, 1883.
Q In the certificate you present, I find the name of Harmon Shoemake; are you the identical Harmon Shoemake mentioned in this certificate? A Yes sir.
Q How long have you lived in the Cherokee Nation? A We have been here about 21 years.
Q Living here continuously since that time? A Yes sir, here in the Cherokee Nation.
Q When did you marry your wife, Nancy? A 13 years ago.
Q Were you her first husband? A Yes sir.
Q Is she your first wife? A Yes sir.
Q Have you been living with her continuously since you married her? A Yes sir.
Q Living with her now? A Yes sir.
Q These children that you mention, are they all living at this time? A Yes sir.
Q Living with you? A Yes sir.

1896 roll: page 66, #1811, Harmon Shoemake, Canadian District.
1896 roll: page 93, # 259, Nancy Shoemake, Canadian District.
1896 roll: page 66, #1812, Rose A. Shoemake, Canadian District.
1896 roll: page 66, #1813, James W. Shoemake, Canadian District.
1896 roll: page 66, #1814, Herman Shoemake, Canadian District.
1896 roll: page 66, #1815, Mattie M. Shoemake, Canadian District.

Q Now, Mr. Shoemake, can you make any proof as to your marriage?
A I have no certificate. I reckon I can make proof that I have lived with her as man and wife.
Q Was anybody there that saw you married? A Yes sir, there were two; one is dead, and the other I reckon is living in the State of Arkansas.
Q You don't know where the man is that married you? A No sir, I don't.
Q Anybody present here? A Nobody here that has known me all my married life. I didn't get no certificate when I was married.

Commissioner Needles-
The name of Harmon A. Shoemake is found upon the census roll of 1896 as Harmon Shoemake, and he presents satisfactory proof of his admission to Cherokee citizenship, more particularly described in the testimony. He avers that he was married to one Nancy Daniels, a non citizen, about thirteen years ago, and the name of Nancy Daniels is found upon the Census roll of 1896 as Nancy Shoemake, his wife, but he presents no satisfactory proof of his marriage. The names of his children, Rose A., James W., Noah H., and Mattie M., appear upon the Census roll of 1896, and he makes satisfactory proof of birth of two younger children, Rexie L. and Ella, whose names do not appear upon the Census roll of 1896, having been born after said roll was compiled. They are all duly identified according to page and number of the roll, and makes satisfactory proof as to residence; but now comes the Cherokee Nation by its representatives and protest against the enrollment of said Harmon A. Shoemake and his family, averring that he was admitted to citizenship by fraud, consequently final judgment as to the enrollment of said Harmon A. Shoemake and his children as Cherokee citizens by blood, and his wife, Nancy, as a Cherokee citizen by intermarriage, will be suspended, and their names placed upon a doubtful card. It will be necessary for said Harmon A. Shoemake to present to this Commission satisfactory proof of his marriage to Nancy Daniels.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 29th day of January, 1901.

(Signed) T. B. Needles,
Commissioner.

R.

C. D-1071.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 27, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of HARMON A. SHOEMAKE for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances:
Thomas & Owens, attorneys for applicants.
W. W. Hastings, attorney for Cherokee Nation.

HARMON A. SHOEMAKE, being first duly sworn, testified as follows:

MR. OWENS: What is your name? A Harmon A. Shoemake.
Q How old are you? A Thirty-three.
Q Post office? A Gritts.
Q What is your wife's name? A Nancy Daniels.
Q Have you got your marriage certificate? A No sir.
Q Did you ever have it? A No sir.
Q Who married you? A I don't know the fellow's name.
Q Was he a minister? A Yes, sir, he was a minister.
Q When were you married?
A I have been married fourteen years, the 2nd day of October, last October.
Q Have you and your wife lived together as man and wife since then?
A Yes sir.
Q Where did you live? A The biggest part of the time in the Cherokee Nation.
Q Are you living withher now? A Yes sir.

MARY JANE DANIELS, being first duly sworn, and being examined, testified as follows:

MR. OWENS: What is your name ? A Mary Jane Daniels.
Q How old are you? A Fifty-seven.
Q What is your post-office? A Gritts.
Q Are you any relation to Harmon A. Shoemake? A Yes sir.
Q What? A Mother-in-law.
Q He married your daughter? A Yes sir.
Q Were you present when they were married? A No I was not present. They went away from home when they got married.
Q Did they marry with your consent? A Yes sir.
Q Do you know whether they have been living together as husband and wife since then? A Yes sir.
Q Living together now? A Yes sir.
Q Have you lived near them?
A Yes sir, I have lived right close to them, and with them a part of the time.

WILLIAM L. SHOEMAKE, being first duly sworn, and being examined, testified as follows:

MR. OWENS: State your name? A William L. Shoemake.
Q How old are you? A Thirty-six, as near as I can get to it.
Q Are you any relation to Harmon A. Shoemake?
A Yes sir, he is my brother.
Q Do you know his wife's name? A Her name is Nancy Daniels.
Q Do you know whether they have lived together as husband and wife since they were married? A Yes sir.
Q Living together now? A Yes sir.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(Signed) Wm. Hutchinson.

Cher
Supp'l to D 1071

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 27, 1902

In the matter of the application of HARMON A. SHOEMAKE, for the enrollment of himself and his children, ROSANNA, JAMES W., NOAH H., MATTIE M., REXIE L., and ELLA SHOEMAKE, as citizens by blood, and his wife NANCY SHOEMAKE, as a citizen by intermarriage, of the Cherokee Nation:

HARMON A. SHOEMAKE, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Harmon A. Shoemake.
Q How old are you ? A Thirty five.
Q What is your post office address ? A Gritts, I. T.
Q Are you the identical Harmon A. Shoemake who applied to this Commission in January, 1901, for the enrollment of yourself, wife and children as citizens of the Cherokee Nation ? A Yes sir.
Q What is the name of your wife ? A Nanny Daniels.
Q Is that her maiden name ? A Yes sir.
Q Is she a white woman ? A Yes sir.
Q You are a Cherokee by blood ? A Yes sir.
Q Is she living ? A Yes sir.
Q Are these children, Rosanna, James W., Noah H., Mattie M., Rexie L. and Ella, all living at this time ? A Yes sir.
Q Have you filed with the Commission evidence of your marriage to your wife ? A Yes sir.
Q Were you ever married before you married her ? A No sir.
Q Was she ever married before ? A No sir.
Q When were you married ? A About fifteen years ago.
Q Have you and she lived together continuously since that time ?
A Yes sir.
Q Were you living together as man and wife on September 1, 1902 ?
A Yes sir.
Q How long have you lived in the Indian Territory ?
A Twenty one years.
Q Have you lived here continuously for twenty one years ?
A Yes sir.
Q Never made your home outside the Nation ? A No sir.
Q Has your wife lived in the Indian Territory since she married you ? A Yes sir.
Q Were your children all born here ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this November 20, 1902.

B. W. Jones
Notary Public.

To be filed with Cherokee D-123. William H. Shoemake, et al.

R.

C. D-123.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William H. Shoemake for the enrollment of himself and children as citizens of the Cherokee Nation.

Appearances:
Thomas H. Owen and Judge John R. Thomas, attorneys for applicant.
W. T. Hutchings and W. F. Hastings, attorneys for Cherokee Nation.

The applicant was notified by registered letter February 27, 1902, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 15th day of March, 1902. On the said 15th day of March, 1902, the case was continued by agreement until the 17th day of March, 1902. Receipt was acknowledged of the Commission's letter, and the applicant this day, to-wit: the 17th day of March, 1902, appears in person and by his attorneys, Thomas L. Owen and Judge John R. Thomas.

MR. HUTCHINGS: The Nation in this matter states that it is ready for trial in all matters pertaining to the same, except the testimony of S. H. Benge, a material witness in this case, and an affidavit is here shown, stating what that evidence would be, which, the applicant refusing to admit, the Nation cannot go into the trial unless an opportunity is permitted at some future time to either have this witness present, or to take his testimony by deposition. The Nation states that the witness lives eight miles from Muskogee, that he is at present unable to travel at all, and that it is probable he will not be able to travel at any time in the near future. He has been duly summoned by the Nation. The Nation requests authority to take his deposition at some convenient time in the future, the Nation agreeing to bear all the expenses of all parties to the same.

JUDGE THOMAS: The applicant protests against the continuance of this case, it having been set down for trial by agreement at this time, having been continued from the former setting last Saturday at the request of the Nation, and no notice given of the intention to apply for a continuance or for the introduction of testimony other than that present. The applicant further protests against the taking of this testimony for the reason that the evidence offered is wholly incompetent, being hearsay and oral testimony attempted to be introduced for the purpose of impeaching a solemn record, the witness Benge not having been a member of the Commission of the Cherokee Nation that investigated and admitted the Shoemake case, and that he only pretends to speak as one who had heard a current rumor, and not as one who participated officially in the proceedings. This is a collateral proceeding to a solemn judgment, and this Commission cannot take up a collateral proceeding, and certainly not by the alleged hearsay testimony of an absent witness.

POOR ORIGINAL -
BEST AVAILABLE COPY

This is an attempt to impeach a solemn record in a collateral proceeding. Since 1883 this judgment has stood. Judgment was entered in January, 1883. Since 1883 there has been no proceeding by the Nation to set aside, by any direct proceeding, this judgment or decree, which has all the strength of a decree of a tribunal of competent jurisdiction.

But the view I take in regard to that affidavit is that it amounts to nothing more than a suspicion. That there were some suspicious circumstances could not for a moment militate against this judgment, this decree of admission, by a court of competent jurisdiction. Therefore we protest, that the attempt to take this case, or take testimony, the testimony in this matter, could not be allowed, either by this Commission, or any court having jurisdiction. It is merely a suspicion.

BY COMMISSION: In looking over the papers, it seems the Nation proposes to prove by the evidence here of Samuel H. Benge, that corrupt influences were used in securing the admission to citizenship by the Cherokee tribunal, in the matter of granting admission to certain applicants, but it is not proposed to prove that except as a matter of opinion on the part of the witness, based upon his observation, which may or may not have been complete, so far as that is concerned; that no additional testimony was introduced that he saw such persons in private conversation; that he did not overhear a word of their conversation; he was not a member of the tribunal; and in any event we must take his evidence for what it is worth. It is a question whether the failure to introduce any additional testimony would be, even if established, in any degree evidence or persuasive testimony that corrupt means had been used. I know of a case where the Supreme Court of the United States reconsidered a question on the income tax, possibly without any further argument, but whether it had heard argument or not, it would be a violent inference that there was corrupt influence brought to bear. I know a great many cases before this Commission where the Commissioner reverses his own opinion formed, on appeal. There is no argument, but there is a further consideration of the testimony already taken, so that, if proved, would not prove anything.

The fact that two men are seen in private conversation, of course, does not prove anything. It can hardly be called, unless they are men of disreputable character, even a suspicious circumstance. There is nothing alleged in this paper, so far as intimated by the counsel for the Cherokee Nation, that indicates any tangible evidence at all of corrupt purposes in this matter. It would be a question that I do not pretend to decide at this time, as to whether the Commission could go behind the decision, in regular form, or would do it, of a competent tribunal, admitting the party to citizenship. But it certainly seems clear that the matter could hardly be seriously considered when it is proposed to introduce evidence in no way tangible, to establish that point. Therefore, it seems to me that what is proposed in this case, it has not offered any sufficient ground for a continuance.

MR. HUTCHINGS: Your honor is entirely right in your conclusions from that affidavit, if that affidavit were the only evidence offered. Courts are more liberal in establishing a question of fraud than any other case, because it can only be established by suspicious circumstances. No other facts are allowed to established that way. Those suspicious circumstances, like the Supreme Court of the United States, the judgment would not be set aside on them alone, but when you establish a whole lot of suspicious circumstances, each one dovetailing into the other, they do establish that same

thing. We have other testimony here to show how it was that this judgment happened to be set aside, to show you that money was used, or a reasonable certainty that it was used; the fact that these judges were seen talking with the man whose money was used, isn't that circumstances that corroborate that fact? And the fact that the judgment was written up the evening before and changed the next morning; that the judges were in conversation with the attorneys for the other side and with the parties for the other side in the meantime, these and other facts and circumstances go to prove that character of fraud. It cannot be proved in any other way, because men usually cover up their rascality, and direct evidence is usually unobtainable. The judgment itself shows on its face to have been erased as originally written up.

JUDGE THOMAS: Fraud may not be established by the suspicions of a witness any more than any other fact in the whole range of judicial proceedings. Circumstances may be shown, or certain conditions as tending to show fraud. But here is an attempt made to assail a solemn judgment of a court by oral testimony of a witness, who, at most, testifies to what he regards as suspicious circumstances. It would be indeed be a peculiar case, if the judge did not dare have a conversation with a member of the bar who happened to an attorney for the plaintiff in a case that had just been tried. They do not even urge that there was any conversation between the judge of the court--that there was any single circumstances tending to show that there was a single cent, or any consideration, offered for the change of judgment. There have been changes of judgment by every judge who ever presided. But here, since 1883, there has been no attempt made to assail this judgment, and nineteen years have passed since then, and now they attempt to come in and establish by the introduction of the alleged testimony of an absent witness the fact that he saw the Clerk (?) of the Commission talking to the applicant next morning. I do not believe it would be considered a minute in any tribunal.

BY COMMISSION: I am ready to rule on the matter. I can readily understand that circumstantial evidence would be a very important part, and sometimes the only correct proof in establishing fraud. This affidavit is not accepted, under the practice of the Commission, as a document, but merely as equivalent to oral testimony. It is not signed by counsel. While seeing no ground to admit that circumstantial evidence must clear every important part, it does not follow that the circumstances mentioned in this statement are correct. Certainly these statements should be very strongly supported to give them weight. My decision is that the case will proceed. If there is strong reason to believe, after the conclusion of the proceedings, or at any future time before the rolls are closed finally, that the case should be re-opened, application can be made and the Commission will consider it. The Commission will be very loath to reopen these matters, if it can be properly avoided, but it can come up at any future time upon the question of reopening the case for any sufficient reason. I do not see any sufficient reason at this time to continue the proceeding. As to any new question, should it arise, the Commission can decide when it has arisen.

MR. HUTCHINGS: We do not ask that the proceedings be continued but that we be allowed the opportunity of having testimony at some future time.

BY COMMISSION: As for that proposition, that would be taken

under advisement. I am not willing to make any ruling at this time that may seem to be an agreement to keep the case open to take the testimony of this witness. At present, it does not seem at all material. If, in the course of this proceeding, it should be shown to be material, or you can connect it with other circumstances and make a new motion to reopen the case, then that alone could be considered, but so far as the present ruling is concerned, it is that the case continue as at present, just as if this question had not been brought up.

BLUFORD W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS: What is your name? A Bluford W. Alberty.
Q Where do you reside? A At Tahlequah.
Q What is your post office address, is that it? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you hold at present, any official position in that Nation?
A I am Assistant Executive Secretary of the Cherokee Nation.
Q Do you have anything to do, by virtue of that position, as custodian of any records?
A Yes sir, I am custodian of the records.
Q Have you in your custody the records of the various commissions on citizenship, appointed by the Council?
A I have a portion of those records, but there is a record book we turned over to Mr. Reuter when the Commission was there at Tahlequah getting the records and judgments.
Q Have you charge of such original papers, affidavits, etc., as were left in the Capitol Building? A Yes sir.
Q Have you any original testimony in the first Shoemake case?
A Yes sir, I have some papers of that character.
Q Present them to the Commission, please.
A Here are some of the papers (Witness presents papers)
Q Where did you find these papers?
A Found them in a desk that is appropriated to the storing away of papers on citizenship matters in the executive office.

MR. HUTCHINGS: The Nation here offers in evidence the original petition and amended petition in the case of W. H. Shoemake and J. W. Shoemake, the original petition bearing date September 10, 1880, and the amended petition January 4, 1882, and the testimony in the case taken January 5, 1882. As follows:

Before the Hon. Commission on Citizenship.
In the case of W. H. Shoemaker,
and John W. Shoemake
vs.
Cherokee Nation.

Claiming Citizenship.

Claimants present their claim to citizenship under specification 1st of claimants referred by law to this Commission.

Claimants claim to be Cherokees through their ancestry, as set forth in the affidavits herewith submitted and other proof.

Respectfully,
W. H. Shoemaker,
John W. Shoemaker,
Per Bell & Taylor, Attys.

Sept-10th-1880.

Hon. Court of
Commission.

Tahlequah, C. N.,
Jan. 4, 1882.

The undersigned claimant makes the following statement, to-wit:
Claimants are of Cherokee desent and blood, and present themselves to be recognized as such under and through the law erecting this Commission.

Claimants are descendants lineally from a family of Cherokees of which Annie Shoemake, an admitted and recognized Cherokee, who was the wife of John Shoemake, who taken reservation by right of his wife, Annie, under the Treaty of July 8th, 1817, in support, of this fact will submit a certifyed copy of reservation, and other testimony in support of the facts.

Respectfully,

W. H. Shoemake,	J. W. Shoemake,
Cyrena "	Elizabeth "
Jessey "	James "
Hugh "	William "
Richard "	Harmon "
Charles "	John "
Thomas "	Joda Alice "
Rhoda "	Mattie "
	Henry Clay "
Lular "	Minnie May "
Mary "	Coll "

Office of the Commission on Citizenship.
Tahlequah, Cher. Nat. Jan. 5th, 1882.

W. H. Shoemake &)
John W. Shoemake)
vs.
Cherokee Nation.

Testimony in favor of Claimants.

Samuel R. Keys sworn and examined.

1 Ques. Are you acquainted with the applicants?
1 Ans. I am. I have not seen him for several years till yesterday I happened to meet up with him.
2 Ques. State where you first became acquainted with him.
2 Ans. In Jackson County, North Alabama, on Crow creek.
3 Ques. How long has it been since you first became acquainted with the Shoemake family?
3 Ans. I was acquainted with the Shoemake family 1835 or 6, up until 1870, but I was not much acquainted with the applicant. The applicant left that country about 1850. I was well acquainted with him up to that date.
4 Ques. Were you acquainted with the applicant's grandfather and grandmother?
Ans. 4. Yes, I was.
Ques. 5. Did you know of their taking a reservation there on Crow creek?
Ans. 5. Yes, I know of it, it was taken before I was born.
Ques. 6. State how the reservation was taken.
Ans. 6. It was taken in the right of the claimant's grandfather's wife.
Ques. 7. You have seen his grand mother, Anna?
Ans. 7. Yes. Of course she was an Indian, else she could not have drawn any money. I never asked her what blood she was, or how much. Just to look at the woman, she looked as if she might have been a half breed. She might have been

more, or she might have been less. I never asked the old lady how much Cherokee blood she had in her. The Shoemakes were generally recognized by all the people as Cherokees. John A. Shoemake, the father of the applicant, used to drive stock a good deal. I used to run a ferry boat on the Tennessee river, and he used to cross his stock at my ferry. When the white people would see the stock crossing at my ferry they would ask me whose stock it was, and I would say, "Shoemake's, that Indian, Shoemake." His boys, the applicants, would frequently be there with him crossing his stock. I heard something about them getting dispossessed of their reservation there. There was a man by the name of Jim Keperton- he told me himself that he had made a contract with Shoemake to enter suit against the U. S. States for this land. He gained the suit, and they gave him half the reservation for gaining it. I suppose the old man is living on it today, if he is live; he was in possession of it when I left that country.

Ques. 8. Where was the reservation located?

Ans. 8. In Jackson County, Alabama. There are two creeks there called Big Crow creek and Little Crow creek. This reservation lies in the fork of those two creeks, but not exactly at their mouths where they come together.

Ques. 9. How far from Crow Town is this?

Ans. 9. Some ten or twelve miles.

Ques. 10. What kind of a man was this Jim Keperton?

Ans. 10. A high minded, reliable and honest man. Could get any office in the county that he would ask for he- he generally got them.

Ques. 11. Were you acquainted with Jim Keperton's brother?

Ans. 11. Yes, John C. Keperton.

Ques. 12. How was he as to truth and veracity?

Ans. 12. Just about as his brother Jim. Never heard anything disgraceful of either of them. Jim belonged to the Masonic Lodge.

Ques. 13. Do you know the applicants to be the grandsons of Anna Shoemake?

Ans. 13. I know the in this way-John A. Shoemake was a son of Anna Shoemake's, and the applicants were the sons of John A. Shoemake; that will make the applicants the grandsons of Anna Shoemake.

Ques. 14. Whose husband was John Shoemake?

Ans. 14. He was the husband of Anna Shoemake.

Cross Examination.

Ques. 15. Was this reservation inside the Cherokee line?

Ans. 15. Of course it was on the Cherokee side. I never heard of a reservation being taken outside of the Nation.

Ques. 16. How old were the applicants when you became first acquainted with them?

Ans. 16. About 15 or 18 years of age.

Ques. 17. How came you to have a knowledge that the grandmother of the applicants was a Cherokee.

Ans. 17. ~~Because she drew a reservation as a Cherokee, and she~~ looked like a Cherokee, and she said she was a Cherokee.

Ques. 18. Did she speak the Cherokee language?

Ans. 18. Yes, when there was an occasion for it; there were no Cherokees there who spoke the Cherokee.

Ques. 19. Do you know that the applicants have Cherokee blood?

Ans. 19. I don't know what kind of blood they have, they always claimed it, and they were recognized as Cherokees.

Ques. 20. You don't know that the applicants are Cherokees except from hearsay?

Ans. 20. That is a hard question to answer. I could not state unless I had been at his birth to tell where he came from. His father claimed him as a Cherokee, and his grandmother claimed that father was a Cherokee, and his grandmother was a Cherokee and drew reservation- that is as far as I know about the blood.

his
Samuel R. x Keys.
mark.

Endorsed on back as follows:
"Testimony of Samuel R. Keys
in behalf of applicants.
Filed January 4th, 1882,
D. W. C. Duncan, Clerk.

Commission on Citizenship,
Tahlequah, C. N.
Sep. 14th, 1882.

W. H. Shoemake, et al)
& Jno. W. vs.) Sept. 14th, 1882.
Cherok e Nation.)

Judy Riley Keys, the first witness on part of the Cherokee Nation, after being sworn, testifies:

I am sixty-nine years old. I am a citizen of the Cherokee Nation, live in Tahlequah, occupation a farmer.

Q. Sol. Do you know anything about the Shoemake family?

The first time I saw him was last March 2 years ago. He told me that his name was Shoemake- that was the first time I had seen him- though I have of the Shoemakes almost as far back as I can recollect. I have heard the old folks talking of them. I have heard my father and other old men speaking of them, & and that they had claimed to be Cherokees, but had never been acknowledged as such. In conversation with Jo Foreman, he told me that the Shoemakes & Oxendynes had claimed to be Cherokees for a long time, but had never been recognized to be such by the Cherokee people.

The following sentence appearing in the original record has been stricken out, per margin;

The Ct. strikes out the witness opinion that the Claimants have not a shadow of rig.to citizenship.

"From my opinion, they have not a shadow of right to citizenship." (Objected)

The defense moves that the witness' opinion be struck out.)

Sol. Did you know the given name of these Shoemakes? No, I did not know their given names, but had only heard them spoken of as Shoemakes and Oxendynes.

Sol. From what part of the old Nation did you come?
A. From Creek Path, North of Alberta.
Sol. Did you know the Creek in that Country called Crow Creek?
Yes, I have been there, saw Keys live there.
Sol. Did a family live on that Creek by the name of Shoemake?
A. It is my belief that there was. I have heard father speak of them often, as claiming to be Cherokees.
Sol. Did you know a woman by the name of Anna Shoemake?
No, I did not.
Objected to by defense. Did the old folks say of what tribe they were? A. They say they were Kitoba.
C.H.Taylor.
Taylor. The statement that you made here is from what you have heard only, is it? Yes, but I believe it to be true, as it was from good men.
Ct. Why did the old folks, or what was the occasion for speaking of these folks?
A. Because they were claiming a right, I suppose. I
Ct. heard the old people speak of these folks both in the old country & in this country.

Riley Keys.

Office of Commission on Citizenship.
Cherokee Nation, Tahlequah, C. N.
September 15th, 1882.

W. H. Shoemake, et al)
No. 30. vs.)
Cherokee Nation.)

John Ross, after being duly sworn, testifies as follows:
I am fifty-six years old. I live in Goingsnake Dist. C. N. My name is John Ross. I am a Cherokee by blood.
Sol. Do you know the plaintiff, Shoemake? A. No, I do not know him.
Sol. When you lived in the old Cherokee Nation you have heard of the Shoemakes, have you? A. I have heard of Shoemakes, but as for this man, I have never heard of him.
Sol. The Shoemake you heard of, was he a white man, or a Cherokee? A. He was a white man.
Sol. Did you ever know or see a woman whose name was Anna Shoemake? No, I did not know of anyone by the name of Ann Shoemake. I know some Annas.
Sol. How far did you live from Crow Creek? I do not know where Crow Creek is.
Sol. From what part of the old Cherokee Nation did you come?
I was raised on Valley River, but came from Otter (Cheoah) Creek to this country.
Court. Have you no record of names?
A. Yes, I have a record of names, but have no such name on my record as Shoemake, or it may be that such a name is on the record- the names are nearly all Cherokees, some being the names of whites.

Name signed in Cherokee language.
(John Ross)

John W. Shoemake,)
No. 38. et al)
vs.) September 22nd, 1882.
The Cherokee Nation.)

John W. Alberty, being produced, sworn and examined in open Court in behalf of the Cherokee Nation.

My name is John W. Alberty, my age is 48 years, I am a Cherokee, and reside in the Cherokee nation, Going Snake Dist.

According to the statements in the petion, I don't know anything about that the Claimants. I did know a family of Shoemakes. There was a man named Jim Shoemake. His brother was Tom Shoemake. Jim Shoemake married a woman by the name of Oxendine. They lived on the line there near Dutch Town, Washington Co. Ark. They lived there till about the year '58 or '59. They then went from there to California or Arizona. I have not seen them since. They called themselves Partugese. They were recognized then as being different by the people of the state. They considered them as colored people and refused them the right to vote.

J. W. Alberty.

MR. HUTCHINGS: The Nation now desires to introduce in evidence page 39 of the original record of the Citizenship Commission, which record is now in the custody and control of this Commission, having been turned over to it by the Cherokee Nation, and desires to call attention to the fact that the latter half of the said judgment, beginning with the word "Cherokees" and ending with the word "Cherokees" on the last line, has been erased and rewritten, and that the date, January 25, 1883, has been changed by the erasure of something and the insertion of the date of January 25th.

Attention is further called to the difference in handwriting of all the entries up to and including September 24, 1881, and that all other entries, from that time on, are in the same hand writing, and that purports to be the hand writing of the Clerk, D.W.C.Duncan.

JUDGE THOMAS: We accept the record as we find it, and have no objection to it.

The record is as follows:

Commission on Citizenship.

Tahlequah, C. N., Sept. 10th, 188 .

W. H. Shoemake,	)	
John W. Shoemake,	)	
Case 38. vs.	)	Petition for Citizenship.
Cherokee Nation.	)	

Continued until January Term, 1881, by Plaintiff.

The above case continued by the Plaintiff until September, 1881

The above case withdrawn Sept. 24th, 1881.

And on this 4th day of January, 1882, Clairant by leave of the Commission files his new petition, and said case is ordered to be re-instated upon the Docket

Case continued till Sept. Term by Commission, February 3rd, 1882.
Case submitted by the Claimant Sept. 18th, 1882.
Submitted by the Solicitor October 4th, 1882.

Continued by the Commission till the January Term, 1883. This October 4th, 1882.

And now on this the 25th day of January, A. D. 1883, this case coming on for final hearing, and all the evidence introduced in the case on both sides being carefully read and duly considered by the Commission on Citizenship, it was adjudged and determined by said Commission on Citizenship that the above named W. H. Shoemake and John W. Shoemake, are Cherokees by blood, and that they are therefore entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,
Clerk of Commission.

Thos. Tehee, Pres. of Com.
Alex Wolf,) Commis-
T. F. Thompson,) sioners.

Mr. Hutchings: We now offer in evidence a motion in the case to reconsider, filed January 12, 1883, in the hand writing of the Clerk, with the names of S. H. Benge and C. H. Taylor signed as attorneys for the claimant, in the same hand writing as the body of the instrument.

JUDGE THOMAS: We have no objection to the admission of the application for re-hearing of the case. We do not admit, however, that it is in the hand writing of the Clerk, in the absence of testimony to that effect, and object to the admission that it is in the hand writing of the Clerk.

BY COMMISSION: The document will be filed and made a part of the record.

Motion to reconsider is as follows:

In Commission on Citizenship.
Tahlequah, Cherokee Nation, Jan. 12th, 1883.

John W. Shoemake,)
W. H. Shoemake,)
No. 38. vs.)
The Cherokee Nation.)

Motion reconsider.

And now comes the above named Claimants by their attorney, S. H. Benge, and C. H. Taylor, and move the Commission on Citizenship to reconsider their final vote taken in the above entitled case, on the following grounds, to-wit:

1. Because the decision was against the weight of the evidence.
2. Because the Commission was not unanimous in its decision rejecting the Claimants.

S. H. Benge,
C. H. Taylor,
Attys. for Claimants.

Endorsed on back as follows:
No. 38.
W. H. Shoemake,
John W. Shoemake,
vs.
The Cherokee Nation.

Motion to reconsider.

Filed January 12th, 1883.
D. W. C. Duncan,
Clerk of Com.

D. W. C. Duncan, being first duly sworn, and being examined, testified as follows:

MR. HUTCHINGS: Where do you reside? A. Vinita.
Q. What is your post office? A. Vinita.
Q. I here show you page 39 of the record of the Citizenship Commission. Please state whether or not the entries from September 4, 1881, but not including that entry, are in your hand writing.
A. At the top of the page?
Q. No, from there down, (indicating)
A. Yes, that is my hand.
Q. I further show you a paper in the same case, bearing date January 12th, 1883, and filed that date, with file mark on it bearing your signature. Please state if the body of that instrument and the file mark on the back, and all of it, are in your hand writing or not. A. That, I think, is my hand.

JUDGE THOMAS: At whose instance was that written?
A. My recollection is that the applicants at the time of the trial of the case were without any attorney, and if they wished papers to be drawn up they applied to the Clerk, and he courteously accomodated them in every instance.
Q. Are you paid any fee or reward for doing that? Was it an uncommon thing for you to do that?
A. I never received a cent.
Q. Were there instances in which you did work of this kind?
A. Yes sir.
Q. Was it in line of your duties as one of the officers?
A. It was considered so. I never received a cent for it.
Q. Do you know whose hand writing this is, "The above case continued by the Plaintiff until September, 1881," and "The above case withdrawn Sept. 24th, 1881?
A. That entry was in the docket when I went into the office. This case, I think, had been pending before the Commission a year before.
Q. Is this part of it your hand writing? (indicating upper part)
A. No sir. From there up was on the docket when I made these entries.
Q. It is alleged here that from the word "Cherokees", down to and including the word "Cherokees" had been erased and have been rewritten. Can you explain that?
A. It looks like my hand, but I have no recollection of the facts.
Q. Of the change? A. Of the change.

MR. HUTCHINGS: If the applicants, Mr. Taylor, had no attorney, why did you sign the name of Benge and Taylor as their attorneys.
A. They were represented to me as being their legal attorneys in the case, and that is the only reason their names were signed.
Q. You were there at the trial of the case? A. Yes sir.
Q. You know who the attorneys were? A. They were represented to me as being these gentelmen whose names are appended there, but I do not think either one of them appeared before the court
Q. Don't you know that Benge was there the evening the decision was rendered? A. I have no recollection of seeing him there at all. My impression is that he was not there.
Q. Your records showed C. H. Taylor as being the attorney of record for him, don't they? A. I think so.

Q. Can you tell, Mr. Duncan, when the Tehee Court went out of existance, and when the Court composed of Ely Spears, John Lee and Andrew Young and others went in.
A. The Tehee Court had only one session of about thirty days. I think it was in 1883. My recollection does not serve me very distinctly. I think it was in 1883, and I think they set about thirty days. I think that was the last sitting of the Commission, and when the next Commission came into office I have no knowledge.
Q. Then the Tehee Court did not sit for 1893 at all, did it?
JUDGE THOMAS: They sat about thirty days. This judgment was January 1883.
Q. I mean for the year 1883? A. I don't think they did.
Q. The Spears Court sat along in November, 1883, didn't they? I mean sometime in the latter part of 1883? A. I can't say.
Q Were you the Clerk of the Spears Court at all? A. No sir.
Q. Did you ever make any entry of the rejection of the Shoemakes to which this man refers? A. No sir.

JUDGE THOMAS: Does this record properly represent the judgment of the Commission in the case of William H. Shoemake and John W. Shoemake? A. It does.
Q. Is this a proper record, rendered by that Commission? A. Yes sir.
Q. You are acquainted with William H. Shoemake and John W. Shoemake
A. I am not well acquainted with John W. Shoemake. The signature of the judges, except Thompson, was signed by my hand, because of the fact that they were Cherokees and could not write English. Mr. Thompson signed his own name, and I signed for the other two judges.
Q. By their direction?
A. Under their direction and right in their presence.

MR. HUTCHINGS: Do you mean to state, Mr. Duncan, that that name of Mr. T. F. Thompson is not in your hand writing? A. It is not. It is in Mr. Thompson's hand writing.
Q. Isn't it erased, the original hand writing there?
A. That erasure, I know nothing about those erasures.
Q. You say that is in your hand writing? A. It is not in my hand.
Q. I will ask you this question. It seems you were only authorized to sign his name when he was not there?
A. No, I invariably signed in the presence of the Commissioners, by their authority.
Q. And when Mr. Thompson was there, he always signed his own name?
A. That was the rule.
Q. Look on page 98, and see if that is Mr. Thompson's signature there? A. I am not prepared to say whether it is or not.
Q. That is your hand writing, manifestly?
A. No, that is not mine. There is mine (indicating) My recollection is not distinct It may be Judge Thompson authorized me to write his name.

JUDGE THOMAS: I think about half the time you signed it, and the other half he signed it himself. Would you have signed these names without authority? A. No sir, they were always signed in the presence of the Commissioners
Q. By their authority? A. By their direction.

MR. HUTCHINGS: Your records never show whether the judges were present or absent, as to any particular case?
A. I do not recollect as to that. My impression is that there was no action had unless the entire bench was present.

MR. HUTCHINGS: We desire to introduce in evidence page 146 of the record of the Citizenship Commission, in case No. 139, the case of Elizabeth Gillis, Antoine Gillis, Annaliza Shoemake, Allis Shoemake and Matilda Gillis, the entries up to and including January 23rd being in the hand writing of D. W. C. Duncan, and from and including September 26th, 1883, being in the hand writing of W. Eubanks, Clerk pro tem.

JUDGE THOMAS: We object to the introduction of the testimony, because it is not connected with this case.

MR. HUTCHINGS: The Nation admits that it is not already connected, but we will connect it afterwards.

JUDGE THOMAS: We object to it on the ground that it is not calculated to throw any light on the case, inasmuch as it is in a case of a family having the same name, but not in any way related to the applicants in this case, and was based upon evidence which was not in any way connected with them. Therefore we object to the testimony.

BY COMMISSION: The objection of the attorney for the applicant will be noted. Same will be filed and made part of the record and considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

Office Commission on Citizenship.
Tahlequah, Cherokee Nation, September 19th, 1882.

No. 139.

Elizabeth Gillis (wife))	
Antoine Gillis (husband))	Wilson Sanders, Solicitor) for the
Annaliza Shoemake,)	E. C. Boudinot,) Nation.
Allis Shoemake,)	
Matilda Gillis,)	C. H. Taylor,
vs.)	Atty. for Claimants.
The Cherokee Nation.)	

Petition filed September 19th, 1882.

Continued by consent of parties to the January Term, 1883, this October 4, 1883.
Continued on motion of Claimant January 23rd, 1883.
Case submitted by Claimant Sept. 20th, 1883.
" submitted by Solicitor Sept. 26th, 1883.

And now on this the 1st day of October, A. D. 1883, this case coming on for final hearing, and all the evidence in the case on both sides being carefully read and duly considered, it is decided by the Commission on Citizenship that the Claimants Elizabeth Gillis, Antoine Gillis, Analiza Shoemake, Allis Shoemake and Matilda Gillis, are not Cherokees by blood and are therefore not entitled to Cherokee citizenship within the Cherokee Nation.

Thos. Tehee, Pres. Com.
Alex. Wolfe) Commis-
T. F. Thompson) sioners.

W. Eubanks,
Clerk Com.
Pro tem.

MR. HUTCHINGS: We introduce likewise a similar record, page 258 of the same record, in the case of J. D. Shoemake and children. He is the son of Elizabeth Shoemake, the sister of W. H. Shoemake.

JUDGE THOMAS: We object to the introduction of this testimony, inasmuch as it is not verified in any way, there is no foundation laid to show who made this entry on this docket. It is not signed either by the Commissioner by the Clerk, nor verified by any seal It appears to be a memorandum, made in different hand writings at different times, without showing who made it, or that it was made by authority of anyone.

BY COMMISSION: The objection of the attorney for the applicant will be noted. The record will be introduced and considered for what it is worth.

JUDGE THOMAS: The attorneys for the applicant except.

MR. HUTCHINGS: It is admitted that the docketing of the cases on pages 257 and 258 is in the hand writing of John Adair, who was the Clerk of the Ely Spears Citizenship Commission Court, is it?

JUDGE THOMAS: It is denied that the memorandum or orders in each case were made by the Clerk of that Court, or are in the hand writing of Adair.

The record, page 258, is as follows:

Office Commission on Citizenship.
No. 33. Tahlequah, Cher. Na.
Sep. 10, 1884.

J. D. Shoemake, Father,)
John H. Shoemake, child,)
Hannah E. " ")
Cyrus C. " ")
Richard E. " ")
vs.)
Cherokee Nation.)

Filed Sep. 10, 1884. E. C. Boudinot, Jr., Atty.
Ready Sep. 11. Pas by Solicitor.
Submitted by Claimants, Sep. 11.

Passed indefinently,

Referred to Council.

MR. HUTCHINGS: We now offer in evidence the original document transmitting those cases, in accordance with the order of the Chief, signed by the Commission, and attested by the then Clerk, C. O. Frye.

JUDGE THOMAS: We object to the introduction of this testimony, as being in no way connected with the case in controversy, as not being with the consent or by the authority of the claimants in this case, as not having been identified as part of the record in this case; as calculated to confuse rather than elucidate the facts in this case, and as not responsive to any issue in the case.

BY COMMISSION: The objection of the attorney for the applicant to the introduction of the testimony offered will be noted. The document will be made part of the record and considered for what it is worth.

JUDGE THOMAS: We except to the ruling.

The document transmitting the cases is as follows:

Office Commission
on Citizenship.
Tahlequah, C. N.

Hon. D. W. Bushyhead,
Principal Chief, C. N.
Dear Sir:

In the case of W. C. Shoemake, et al and J. D. Shoemake, et al, vs. the Cherokee Nation, petitions for citizenship in the Cherokee Nation, W. C. Shoemake claims to be the son of one W. H. Shoemake, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Tehee Commission on the 25 day of January, 1883. And J. D. Shoemake, et al, who claims to be the son of Betsy Ann Shoemake, who was a full sister to J. W. Shoemake and W. H. Shoemake, who were admitted to citizenship in the Cherokee Nation, by the Thomas Tehee Commission on the 25 day of January, 1883. The Commission, after a careful examination of the evidence in the said cases of W. C. Shoemake and J. D. Shoemake, decide that inasmuch as the docket and records of the said Thomas Tehee Commission show that said J. W. Shoemake and W. H. Shoemake were admitted to all the rights, privileges and immuties as other native born Cherokees within the limits of the Cherokee Nation, on the 25th day of January 1883. The Commission finding the above mentioned cases upon the said records of the said Tehee Court or Commission as above stated, could not legally decide to reject the said cases of W. C. Shoemake, et al and J. D. Shoemake, et al.

But at the same time, believing that said W. C. Shoemake, et al and J. D. Shoemake, et al, are not Cherokees by blood, and that the said J. W. and W. H. Shoemake, whose respective cases were decided by the Thomas Tehee Commission on the date above mentioned, was a fraud committed upon the nation by the said parties, we would therefore ask, and recommend, that the said cases of J. W. & W. H. Shoemake, be reinvestigated by the National Council, Believing that the said J. W. & W. H. Shoemake obtained their rights through fraud. We would also refer the cases of W. C. Shoemake et al and J. D. Shoemake et al to the National Council.

We remain, very respectfully,

(Eli Spears, President
(Andrew Young, Com.
(John Lee, Com.

Attest, C. O. Frye)
Clk. Com.)

This the 27th day of September, 1894.

It is admitted that Wilson Sanders, whose testimony is to be hereafter introduced, is dead.

MR. HUTCHINGS: The Nation here introduces the testimony of Wilson Sanders, who is now dead, as before admitted, taken in the case of J. D. Shoemake and W. C. Shoemake, while pending before what is known as the Eli Spears Citizenship Commission, the applicants in that case being nephews of W. H. and John W. Shoemake, and claimed Cherokee blood from the same source with them, being sons of their sister.

JUDGE THOMAS: We object to the introduction of this testimony, First, because it is not a part of the record in this case.
Second, because it does n t relate to this case, nor throw any light upon the proceedings in this case, but refers to another case entirely.
Third, because ir pretends to give hearsay testimony.
Fourth, because it is not shown when this was executed; it is not shown that it was executed by Wilson Sanders; it is not shown that it was ever filed in this case or any other, and we therefore protest against it.

And further, at the date this affidavit is alleged to have been made, neither of the applicants in this case were present or had any knowledge of its execution, or were afforded an opportunity to cross examine the witness.

The paper offered in evidence is admitted to be a paper found among the papers in the case of J. D. and W. C. Shoemake, who were applicants for citizenship before the Spears Commission a little less than two years after the applicants here were admitted to citizenship, but are not parties to this controversy.

BY COMMISSION: The objection of the attorney for the applicant to the introduction of the statement of Wilson Sanders, introduced by the attorney for the Cherokee Nation, will be noted, the statement filed and made part of the record, and considered for what it may be worth.

JUDGE THOMAS: The claimants except.

The statement of Wilson Sanders is as follows:

Office Commission
On Citizenship.
Tahlequah, C. N.

In the case of J. D. Shoemake
and W. C. Shoemake, vs. the
Cherokee Nation.

Wilson Sanders being introduced and sworn in open Court states as follows.
My age is 43 years. I reside in Tahlequah, C. N. My P. O. address is Tahlequah.

I was solicitor of the Citizenship Commission at the time W. H. & John W. Shoemake were admitted to citizenship, Tom Techeo, President, Alex Wolf, Tom Thompson compose the Commission on citizenship. They were rejected first by the Commission and afterward admitted. They were admitted during the same term that rejected them, if I'm not mistaken. I cant state just how long afterwards. I cant remember what the grounds was that the Commission give them a rehearing. I dont think they notified me of the fact that they were going to reconsider the case again. There was no more new evidence

produced in the case after I submitted it the first time. They did not ask me to resubmit the case again on part of the Nation. They just said that they were going to reconsider thecase again. There were no arguments made in the case after it was taken up the second time. It was on the 25 day of January that the case was decided. There was evidence introduced in the case after the first time. The first decission made by the Commission was advirse to the Claimants.

I heard that they were to reconsider the case, they didn't aske me to introduce any more evidence. It was about two weeks or so after the claimants was rejected when their case was reconsidered and they were admitted.

Wilson Sanders.

Sworn to and subscribed b fore me
on this the 29/84.
C. O. Frye, Clk.
Com. Citiz.

MR. HUTCHINGS: We desire to introduce in evidence the original record in the application for citizenship in the case of James D. Shoemake, who is a nephew of W. H. Shoemake and John W. Shoemake, the applicants before the Commission, and is the same case that was referred to the Council by the Spears Court; and also the judgment in this case, recorded in the original citizenship records now in the custody of the Commission, found on page 51 of that record

JUDGE THOMAS: To the introduction of which the Claimants object on the ground that they were papers filed two years after the judgment in favor of these claimants rendered by the Teshee Commission; do not relate in any way to the question involved in the case in controversy; are not responsive to any issues raised; were not made by the claimants in this case, or with their advise or consent, and are incompetent testimony in the case.

BY COMMISSION: The objection of the attorney for the applicant to the introduction of the record will be noted, the record will be filed and considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

The record is contained in an envelope endorsed as follows:

Name, James D. Shoemake

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address, Webbers Falls, C. N.
Age, 36 years .....
1835 to 1852 Roll of 18...
Ancestors Annie Shoemake
Filed the 20 day of August
Docket 358, Book B. page 51
Testimony on Record--Page 439 to 441.
Decision of Commission, Rejected.
25th day of Oct. 1888.

See decision in Book
"B" page 51.

APPLICATION FOR CITIZENSHIP.

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TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned, your petitioner, this day makes his application for readmission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And respectfully makes the following statement of the grounds of this his application, to-wit: That James D. Shoemake is the Grt. Grd. Son of one Annie Shoemake, and grand son of John A. Shoemake & son of Betzie A. Shoemake, who the unde signed firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835-46-51 & 52 Old Settler. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be duly heard and tried in accordance with the aforesaid law.

Age 36 years: Postoffice Webbers Falls, I. T., family with their relationship attached is as follows:

No.	Names	Sex	Age	Relationship.
1	John H. Shoemake	Male	15	Son
2	Anny E. Shoemake	Ferale	13	Daughter
3	Cyrus D. Shoemake	Male	8	Son
4	Richard E. Shoemake	"	5	"
5	Marion F. Shoemake	"	2	"

In witness of which application I hereunto set my hand on this the 19th day of August, 1887.

James D. Shoemake

Boudinot & Rasmus, Attorney.

James D. Shoemake)
)
vs.)
)
Cherokee Nation.)

Office Com. on Citizenship.

Tahlequah, I. T., Aug. 3-38.

James D. Shoemake, who first being duly sworn in the matter of the identification of his children says: I am 36 years old. I am the applicant in the above case. I have 6 six children-5 named on the application: John Henry, Annie Eliz., Cyrus Daniel, Richard E., & Marion Frederick Shoemake, aged respectively 16-14, 10, 6 and 2 years. They are all at home- in Canadian Dist, C. N.

Cross Ex.

All of the above named children are the offspring of myself and present wife. My wife's maiden name was Angeline Barker, sometimes called "Lina." She had no family before I married her. I was born in Jackson Co. Ala. I left there in 1856. I think my grandfather, John A. Shoemake, who died in Jackson County, Alabama, must have died a year or so before I was taken away from there.

Attest:

Connell Rogers,
Clerk Com. on Citizenship.

Endorsed as follows:

Testimony of
James D. Shoemake
in case
James D. Shoemake
vs.
Cherokee Nation.

James D. Shoemake)
vs.)
Cherokee Nation)

Office Com. on Citizenship,

Tahlequah, Ind.Ter., Aug.3'-38.

W. H. Shoemake, who being duly sworn, upon his oath states: I am 63 years old, and a resident of Canadian Dist. and a citizen of the Cherokee Nation by blood.

I am acquainted with the applicant, James D. Shoemake, he is now residing in Canadian Dist., C.N. I have known him ever since he was a child, his mother was a sister of mine, her father and mother were, as also mine, John A. & Elizabeth Shoemake. My father was recognized as a Cherokee by blood.

James D. Shoemake derives his Cherokee blood from his mother, Betty Ann Shoemake, and she from her father John A. Shoemake. My father use to live in what is called Jackson County, Alabama.

My sister, Betty Ann-Elizabeth- recognized James D. Shoemake as her son. I recognize him as my nephew, he is about 37 or 38 years old. I am acquainted with his family, his wife names Lina, a white woman, the children are John, Annie, Jack, Richard & Frederick Shoemake, and infant name not remembered, aged respectively about 16, 14, 12, 8 and 3 years.

Cross Examination.

The applicant James D. Shoemake, was born in Jackson Co. Alabama. He was born after I left Alabama, I left there in 1849. The first time that I saw him he was about 5 years old, his grand mother, Eliz. Shoemake, brought him to Texas. She recognized him as being the son of Betty Ann Shoemake and her grandson. I don't know who the father of James D. Shoemake was, he, James, took the name of his mother. The wife of James D. Shoemake was a white woman and her maiden name was Lina Barker. She had no family before she married the applicant. The children above mentioned as James D. Shoemake are full brothers and sisters. The mother of applicant has been dead, I expect, about 30 years. She died in Alabama on the old reservation in Jackson County, I never saw my sister Betty Ann or Elizabeth, after the applicant was born. She wrote me concerning him previous to her death.

Re-direct-Ex.

I was recognized a citizen of the Cherokee Nation on the 5th day of January, 1883. I hold the office of Circuit Judge of the Southern Judicial Dist. of the Cherokee Nation.

Attest:

Connell Rogers,

Clk. Com. on Citizenship.

Endorsed as follows:

Testimony of
W. H. Shoemake,
in case
James D. Shoemake
vs.
Cherokee Nation.

James D. Shoemake,	)	Office Com. on Citizenship,
	)	
vs.	)	Tahlequah, Ind. Ter., Aug. 4-88.
	)	
Cherokee Nation.	)	

J. W. Shoemake, who being duly sworn, upon his oath states: I am 54 years of age. I live in Canadian Dist. C. N. I am a Cherokee citizen by blood. I am acquainted with James D. Shoemake the applicant. I first knew him in Alabama, when he was a child in Jackson County, in the Old Cherokee Nation. He is now about 36 or 37 years old. his mother was my sister, Betty Ann Shoemake She was a Cherokee. She derived her Cherokee blood from her father, John A. Shoemake and he from Annie Shoemake, his mother. James D. Shoemake the applicant is now residing in Canadian Dist. C.N. His mother is dead. She died in, I reckon, about the year 1852. She had other children that were living the last time I heard of them. Betty Ann's proper name, the mother of the applicant, was Elizabeth Ann. James D. Shoemake who is now here is the applicant in this case. I have brothers in the Nation. W. H. Shoemake, now present, is my brother. I recognize James D. Shoemake, the applicant, as the son of my sister Betty Ann, and my nephew.

Cross Ex.

When I spoke and said Betty Ann had other children than James, the applicant, one was older and one was younger, both were boys. One was named John and the other George Shoemake. These two boys, John & George Shoemake, were living in Texas the last I knew of them.

Re-Direct.

I did not know the father of the children of Betty Ann's children- James D. John & George took the name of their mother, Shoemake.

Attest:

Connell Rogers,

Clerk Com. On Citizenship.

Endorsed as follows:

Testimony of
J. W. Shoemake,
in case
James D. Shoemake,
vs.
C. N.

Office Commission on Citizenship.
Tahlequah, C. N.

In the matter of J. D. Shoemake's application for Citizenship, D. W. Bushyhead, being introduced and sworn state as follows: My Age is _____years. I reside in Tahlequah and my P. O. Address is Tahlequah. I never knew any Shoemakes that were Cherokee by blood. I knew a lot of Shoemakes that lived in Cal. They went from Scott Co. Ark to California, and in that country they claimed to be Cherokees, but they were darkeys. They claimed to be Cherokees among the white people there who didn't know them, but to me they did not claim it, because I knew them. There were Shoemakes who made application in 1840 or 41 for citizenship, and were rejected and moved back to Arkansas. There were two familys, Oxendines and Shoemakes who claimed to be Cherokee, but their hair was kinkey, and at that time there I understood there was a law in Arkansas that no free negroes could live in Arkansas, and they moved to California. John Ross was Chief of the Cherokee Nation at the time they made their application, and if i'm not certain, my recollection is, Wm. Ross Clk of the Committee, and they were rejected by Council and out of the country. It was before the Council that they were rejected. As well as I remember, there was twenty or thirty of the two families who claimed to be Cherokees, when I knew them in California. And if the Court wishes I can get the affidavit of a man who was a Member of the Committee when they were rejected.

D. W. Bushyhead.

Sworn and subscribed before me this the 25 Aug/84.

21. C. O. Frye.

Jas. D. Shoemake.

Office Commission on Citizenship.

Tahlequah, C. N., Aug. 20th, 1887.

Docket	No.	Names.	Age	Sex	Post Office	Atty.
	1	Jas. D. Shoemake	36	Male	Webbers Falls, I.T.	
	2	John H. Shoemake	15	"		
	3	Annie E. Shoemake	13	Female	Applicants	
	4	Cyrus D. Shoemake	8	Male	for Cherokee	
	5	Rio'd. E. Shoemake	5	"	Citizenship	Boudinot & Rasmus
338	6	Marion F. Shoemake	2	"		
					Census Rolls	
		vs.			1835-42-51-52	
		Cherokee Nation.			Ancestors	
		filed Aug. 20th, 1887				

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

James D. Shoemake, et al) Tahlequah, Oct. 25th, 1888.
)
vs.)
)
Cherokee Nation.)

Now on this, the 25th day of Oct. 1888, comes the above case up for final disposition, it having been submitted by plaintiff's attorney, E. C. Boudinot, Jr.

The application, as well as the testimony in this case, alleges one Annie Shoemake as the Cherokee ancestor of the applicants, and that she was of Cherokee blood, and that her name will appear on some of the rolls of the Cherokees, East.

We, the Commission on Citizenship, have carefully examined the rolls laid down in the 7th sec. of the law of Dec. 8th, 1886, in relation to citizenship, for the name of Annie Shoemake, but fail to find the name enrolled thereon in any shape, though it is in proof that these parties were in Jackson County in the State of Alabama, up as late as the year 1854. The testimony of W. H. Shoemake, who is Judge of the Southern Judicial District of the Cherokee Nation, and Uncle to the applicant, James D. Shoemake, who is the son of Bettie Ann Shoemake, who was the full sister of W. H. Shoemake, goes to show that he was re-admitted to citizenship in the Cherokee

Nation on the 5th day of January, 1883, by the Tehee Commission on Citizenship, and that he now holds the office as Circuit Judge, as stated, of Canadian Dist.

In the absence of the rolls of 1848, 1851-1835 and 1852 of Cherokees taken in the old Cherokee Nation in the state of North Carolina, Tennessee, Georgia and Alabama, containing the name of [illegible] ancestor, Annie Shoemake, or that of the applicants themselves, we cannot grant citizenship to these applicants, for the law says "such applicant must be a person, or the lineal descendant of a [illegible] "whose name appears on the census rolls of Cherokees taken by the "United States after the treaty of 1835" and before [illegible] entitled, [illegible] in this case is clearly shown that they do not. We are of the [illegible] ion, therefore, that this case is enshrouded in some way, that [illegible] cannot find out, just how it is, and if Cherokees, as some would naturally suppose from the fact that some of this family had proven to the satisfaction of the Tehee Commission in 1883 that they were, that their names should appear on some of the rolls of Cherokees already mentioned, and as other Cherokees names do, who were living in Alabama at the same time these parties were. James D. Shoemake and his five children, namely; John H.- Anny E.- Cyrus D.- Richard E. and Marion F. Shoemake are not Cherokees under the law of Dec. 8th, 1886 in relation to citizenship, consequently not citizens of the Cherokee Nation.

J. F. Adair, Chairman Commission,
D. W. Lipe, Commissioner,
H. C. Barnes, Commissioner.

MR. HUTCHINGS: We offer in evidence the original record in the citizenship case of Alma L. Shoemake and others, descendants of W. H. Shoemake, and the judgment of the Citizenship Court, found on page 464 of the record hereinbefore referred to.

JUDGE THOMAS: The attorneys for the claimant object to the introduction of this testimony for the reason that it is not a record in any way connected with the case on trial; that it is a judgment rendered five years after the judgment rendered by the Tehee Commission admitting the claimants to Cherokee citizenship; because it casts no light on the legal or legitimate questions pending before the Commission; it will not be admissable as evidence under any legal rule.

BY COMMISSION: The objection of the attorney for the claimants to the admission of the record referred to will be noted, and said will be considered for what it may be worth. To which ruling of the Commission the claimant by his attorney then and there excepted.

The record is as follows:

The record comprises the contents of an envelope containing the following endorsement:

241.
Name Alma L. Bell & Eddy C.
Shoemake.

APPLICANT FOR CHEROKEE CITIZENSHIP.
Address.....
Age 9-7-4 years,.....
1883 Roll of 18...
Ancestor, W. H. Shoemake.
Filed the 29 day of Sept. 1887.
Docket 748 Book B, Page 464.
Testimony on Journal, --Page....
Decision of Commission, Rejected.
13th day of Sept. 1887.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1880, creating your Commission. And, respectfully makes the following statement of the grounds of this their application, to-wit- Alma, Leler Bell, Eddy C. Shoemake is the grand children of one W. H. Shoemake, Circuit Judge of Canadian Dist. who then undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1883. The undersigned hereby presents the above facts as the lawfull grounds for this their application for Cherokee citizenship by blood, and respectfully awaits the time when their application shall be truly heard and tried in accordance with the aforesaid law.

Age 9-7-4 years; Postoffice: family with their relationship attached is as follows:

Names.	Sex	Age	Relationship.
Almer Shoemake	Female	9	Grand children of
Leler Bell "	"	7	W. H. Shoemake.
Eddy C. "	Male	4	"

In witness of which application I hereunto set my hand on this the 26 day of Sept. 1887.

C. H. Taylor, Attorney.

W. H. Shoemake, guardian for grand children.

Alma Shoemake,	)	
Leler Bell Shoemake, and	)	
Eddy C. Shoemake	)	Office Com. on Citizenship.
vs.	)	
Cherokee Nation.	)	Tahlequah, Ind. Ter., Aug. 3rd, 1896.

W. H. Shoemake, who first being sworn, upon his oath states as follows: I am 67 years old, am a citizen of the Cherokee Nation by blood, and live in Canadian Dist. The above applicants in this case are my grand children, they are my son's children., their ages, are, Alma, about 8 years old, Leler Bell about 6 or 7, and Eddy C. Shoemake about 5 years old. They now live in Sebastian County, Arkansas. They derive their Cherokee blood from their father W. C. Shoemake, and he from his father, W. H. Shoemake, myself, and I from my father John A. Shoemake. I have been taught that he, John A., derived his Cherokee blood from Annie Shoemake, her husband was John Shoemake, a white man. John & Annie Shoemake had but one child that I know of, named John A. Shoemake, my father. My grand father and father lived in the State of Alabama, Jackson County, in the fork of the Crow Creeks. I was told that under the treaty of 1817 my father took this home as a reservation and lived on it and cultivated it. I left there in the year 1849, and I heard that the Government took possession of this place some time between 1850 and 1855. I disremember who bought the place from the Government, if I ever knew, but they dispossessed my folks. There were two men living on the place or near the place, named J. G. and J. C. Capperton at that time, I think grand father was dead. My parents employed the Cappertons to bring suit against the Government, they were to give those Cappertons 1/2 of the reservation, should they win the cause. We, through the the Cappertons, gained to the land and was placed in possession of it. My people then sold out our interest to Cappertons and my brother, Eli Shoemake, asked me to make him my agent, through a power of Attorney, to sell my part and do for me as if I was present. I received some compensation for my interest in those lands. My folks were living on this place from 1835 to about 1851.

The name of John A. Shoemake should appear on the rolls of 1835 and other Rolls of Cherokees. I am acquainted with William L. Shoemake, an application before this Commission, he is a nephew of mine and a son of my brother, Eli Shoemake. He, the applicant, is now living near Kingston, Hunt County, Texas, he is between 30 and 35 years of age. I don't know his children.

Cross Examination.

I was admitted to citizenship in this Nation on the 5th day of January, 1883. This was before what is known as the "Tehee Court." The wife of John Shoemake, my grandfather, whose name was Annie, was I have been informed, named "Bone," or this was her maiden name. I desire to say, when I speak of John Shoemake as my grandfather, my information is that he was my step grand father, and not my own grand father as an ancestor. I understand that my father took his name, Shoemake, as such from John Shoemake, my step grandfather. I have no knowledge of the real name of my grand father's real name or my father's side. I don't claim Cherokee blood for my family from any other source than Annie Shoemake, the wife of John Shoemake, my step grand father. When I said the Government took possession of the place before mentioned, I meant the U. S. Government took possession of this reservation.

I went to Eastern Texas, Cass County, when I left Alabama in the fall of 1849. The Shoemakes were living in the State of Alabama,

Jackson County, as late as the year 1854. My mother was a white woman, she had no family before she married my father. William L. Shoemake's mother was a Stewart, a white woman, she had no family before she married William's father, Eli Shoemake. The mother of Alex, Leler Bell & Eddy C., heretofore mentioned, was a white woman, whose maiden name was Windom. She had no family before she married my son, W. C. Shoemake. I don't know that my folks that were left in Alabama participated in the per capita of 1851 and 1852 or not. I did not. I was in Texas at this time.

By the Court:

I have heard that Annie Shoemake, nee Bone, was a half breed Cherokee.

Re-Cross-Ex.

I never saw the original patent granding the reservation heretofore spoken of to John Shoemake, my step grand father. My understanding is that Joh Shoemake took this reservation in right of his wife. If the reservation was in the name of John Shoemake, in his own name and not in right of his wife, he, John Shoemake, was not a Cherokee, as before stated. I don't know whether it was a fee simple or life estate patent that was given John Shoemake as a title to the reservation before spoken of.

Re-direct-Ex.

When I lived in the State of Alabama I was not required to work on the public roads, was not compelled to pay Poll Tax, and was exempt from Military duty, by law. So was my father, and my father and myself were not allowed to testify as a witness as against a white man in the Courts.

Re-Cross-Ex.

I think we were compelled to pay tax on our lands.

Attest:
Connell Rogers,
Clerk Com. on Citizenship.

Endorsed as follows:
Testimony of
W. H. Shoemake,
in case
Alma Shoemake, et al,
vs.
C. N.

State of Missouri,)
) ss.
Pulaski. County.)

I, John A. Smith, being first duly sworn, on his oath deposes and sais his name is John A. Smith. I reside at present in Pulaski County, State of Missouri, my age is 58 years. I was born in Sheeochee Valley, State of Tennessee. I have always been taught and believe that James Smith, ho was by his Cherokee neibors called Buck Smith was my Father and his wife Polly Smith, noes Maiden name was Polly Exendine was my Mother, and unto them was born while living together as husband and wife, Harvy, Loucinda, Martha, Emily Charity, John A., Mary, Rosey, the within named all bore the name of Smith. Loucinda married twice. I knew boath her husbands, and

their children first husband Uria Bolton, they lived as husband and wife and unto them was born 2 girls, first Margriet A. Bolton, now known as Margriet A. Ruffer, and Vicy I. Bolton, now known as Vicy I Brown; then Loucinda married Duncan McDonald and to them was born children now living, 2 boys, first W. W. McDonald, T. K. McDonald, 2 girls, Louisa Sarh he bore the name of McDonald, Mary Smith married a Harmon and is now known as the widow Harmond, she has five boyes he bore the name of Harmond. Rossy Smith is married to B. Luster and now bears the name of Rossy Luster, they have born to them 4 children he bear the name of Luster 3 boys one girl. The deponent John A. Smith has been taught that Jordon Smith was his uncle and Anny Smith was his aunt, and that John Shoemake, or Ball Jack a his neibors called him was his uncle, and his grandfather's name Sanders Smith, his grandmother Anny Smith and her maiden name Anny Shoemake. Deponent further states that he understands that believes that he is A Cherokee Indian by blood decent from his father James Smith or Buck and that he makes this statement for the purpose of showing his legal decent and right to Cherokee citizenship. My first daughter living Mary Ann Smith age 32 now known as Mary Ann Earnshaw, they have 2 boys bearing the name of Earnshaw, given names Alford Anderson, age 7 years, John Franklin, age 5 years,. Rebecker Ellender Smith aged 26 now known as Rebecker E. Stroup, children none to date. William Harry Smith aged 20, Mary Somier Isibell Smith, aged 12 years, Sarah Ellen age 10 years, John C. Smith, 20 years, Peter W. Smith age 15 years.

his
John A. x Smith
mark

Witnesses:
Richard Puffer &
V. B. Hill.

State of Missouri,)
) ss.
County of Pulaski.)

Sworn and subscribed to before me on this 24th day of May, 1901, and I certify that all the for going statements were fully and carefully read over and explained to said affiant Jno. A. Smith by me before he took the oath and affixed his signature, and that he is entitled to full credit.

Ed. Williams,
(Seal) Clerk County Court.

Endorsed as follows:

Affidavit of

John A. Smith.

Case of Alma L. Bell & Eddy CO. Shoemake,
vs.
Cherokee Nation.

Mark Bean, introduced on part of the Nation, & testified as follows:

I am 46 yrs. old I reside in Going Snake District. I know three families that lived near Dutch Mills, Washington County, Ark. Their names were Popes, Oxendines and Shoemakes. They left there in the year 1858 or 59, & went out in some of the Western Territories They left Arkansas because they had either choose "masters," or leave the State under the law of Ark.

Attest:
D. S. Williams,
Asst. Clerk.
Sept. 11th, 1889.

Endorsed as follows:
Testimony of Mark Bean, in case of Shoemakes.

Alma L. Bell	)	Office Commission on
&Eddy C. Shoemake,	)	Citizenship, Sept. 12th, 1889.
vs.	)	
Cherokee Nation.	)	

Dennis W. Bushyhead, who after being duly sworn, states as follows: I am 63 years of age. Live at Tahlequah, Cherokee Nation., I don't know of any Cherokees by the name of Shoemake. When I was in California there was a family of Shoemakes and Oxendines that lived in one neighborhood who claimed to be Cherokees. That was in Calveras County. They came to that country from Sebastin County, Arkansas, and looked like darkies to me. Some of them were nappy headed.

Cross Examination.

I knew these people in California in the years 65 and 68. Don't remember any of their given names. Never heard any of them say they lived in Alabama. In the year 1839 or 1840 I heard of people of this name applying here as Cherokees, but they were rejected.

Attest:
E. G. Ross,
Clerk Commission.

Endorsed as follows:
Testimony of D. W. Bushyhead in case of Alma Bell & Eddy Shoemake,
vs.
Cherokee Nation.

ALMA L. SHOEMAKE.

OFFICE COMMISSION ON CITIZENSHIP.

TAHLEQUAH, C. N. OCT. 5, 1887.

Docket	No.	Names.	Age	Sex	Post Office	Attorney.
	1	Alma L. Shoemake	9	Female		
	2	Lelia Bell Shoemake	7			
743	3	Eddy C. Shoemake	4			
					Applicant for Cherokee Citizen-Ship.	C. L. Ta
		vs.			Census Rolls.	
		Cherokee Nation.			Ancestor.	

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

Tahlequah, September 13th, 1889.

Almer Shoemake)
)
Leler Belle Shoemake)
)
Eddy C. Shoemake)
)
vs.) Application for Cherokee Citizenship.
)
The Cherokee Nation.)

The application in the above case was filed the 29th day of September, 1887, by Wm. H. Shoemake as Guardian. It alleges that the before named persons aged respectively 9-7-4 years are the grand children of the guardian Wm. H. Shoemake, Circuit Judge of Canadian District, whose name will be found on the census roll of Cherokees by blood taken and made by the United States in 1883. The witness in support of the application is the guardian himself, who was admitted to citizenship the 5th day of January, 1883, by the Commission known as the "Tehee Court." Judge Shoemake swears before the "Adair Commission" on citizenship August 3rd, 1888 that they are the children of W. C. Shoemake from whom they derive their Cherokee blood, and he from his father, who is the witness and the grand father of the applicants, who reside in Sebastian County, State of Arkansas. He also states that he has been taught that he himself derives his Cherokee blood from his father John A. Shoemake, and he from his mother Annie Shoemake nee Annie Bone, whose husband was John Shoemake, the step-father of John A. Shoemake, who was a white man. And that John Shoemake took a reservation under the

Treaty of 1817, on Grey Creek, in the County of Jackson and State of Alabama, and lived on and cultivated it. That portion of that the Government took possession of it between 1850-55, and that it was recovered through J. G. & J. C. C. and he did subsequently receive some consideration for it himself, and that his folks were living on their place from 1835 to about 1851. The witness went to Eastern Texas in 1849, and the Shoemakes were living in Jackson County, Alabama, as late as the year 1854. The mother of the applicants was a white woman whose maiden name was Winder, and that of their grand mother Stewart, who was also a white woman. The statements of the witnesses on the part of the Nation are not pertinent to the case, because they fail to connect the family of the applicants with the persons to whom they refer.

While the admission of W. H. Shoemake to citizenship by the "Tehee Court" is conclusive so far as he himself is concerned, this Commission is governed necessarily by the laws under which it was created and is now acting. Although living on the immediate line if not actually in the Cherokee Nation East of the Mississippi River in 1835, the name of W. H. Shoemake is not found on the Census roll of Cherokees taken in that year, nor in 1848, 51, 52 nor in 1883, which is referred to in the application, although not enumerated in the Acts creating this Commission. Nor is the name of any other Shoemake, or that of Annie Shoemake or Annie "Bone" found on said rolls. The Commission therefore render a decision against the claimants as having failed to establish their right to citizenship in the Cherokee Nation.

(Signed with the interlineation, "or that of Annie Shoemake or Annie 'Bone'").

Will P. Ross,
Chairman.

J. E. Gunter, Com.

MR. HUTCHINGS: The Nation introduces the record in the case of Altha J. Shoemake and Bulah Shoemake and the judgment in that case found in the citizenship records heretofore referred to, on page 40.

JUDGE THOMAS: The attorneys for the claimant object to the introduction of this testimony for the reason that it is not a record in any way connected with the case on trial; that it is a judgment rendered five years after the judgment rendered by the Tehee Commission admitting the claimants to Cherokee citizenship; because it casts no light on the legal or legitimate questions pending before the Commission; it will not be admissable as evidence under any legal rule.

BY COMMISSION: The objection of the attorney for the claimants to the admission of the record referred to will be noted, and the record considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

Endorsement on envelope containing record as follows:

(William L. Shoemake.)

Name Altha J. Shoemake.

APPLICANT FOR CHEROKEE CITIZENSHIP.
Address Kingston, Texas.
Age 11 years,.....
1835 to 1852 Roll of 18...
Ancestors Eli Shoemake
Filed the 19 day of August
Docket 327, Book B, Page 40.
Testimony on Record Page 144.
Decision of Commission Rejected.
2nd day of May, 1889.

1st Calling &
Submitted by
both parties May
2nd, 1889.

APPLICATION FOR CITIZENSHIP.

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TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned, your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this his application to-wit: That William L. Shoemake is the son of one Eli B. Shoemake who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835-48-51-2 & Old Settler Roll, The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age 31 years; Postoffice Kingston, Tex., family with their relationship attached is as follows:

No.	Names	Sex	Age	Relationship.
1	Altha J. Shoemake	Female	11	Guardian
2	Bulah B. Shoemake	"	8	"

In witness of which application I hereunto set my hand on this the 13 day of August, 1887.

William L. Shoemake,
Guardian for
Children.

C. H. Taylor, Attorney.

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

Tahlequah, May 2nd, 1899.

Altha J. Shoemake)	Application for Cherokee
)	
vs.)	Citizenship.
)	
Cherokee Nation.)	

Now come on this day for the final hearing of the above entitled case, the Commission after investigating the papers in said case find that the applicant produces no evidence whatever to sustain the allegation set forth in his application, relying entirely on his application, therefore the Commission renders a decision adversely to Clairant, Wm. L. Shoemake & the following named minor children, Altha J. Shoemake, female, age 11 years, Bulah B. Shoemake, age 8 years, Post office Kingston, Tex.

WILL P. ROSS,

Chairman.

J. E. Gunter, Commis.

Endorsed as follows:

Decision of

Commission.

Altha J. Shoemake.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, C. N., August 19th, 1887.

Docket No.		Names.	Ages	Sex	Post Office	Atty.
	1	Altha J. Shoemake	11	Female	Kingston, Texas	
	2	Bulah Shoemake	8	"		
327						C.H.Taylor
					Applicant for Cherokee Citizenship.	
		vs.			Roll 1835 to 1852.	
		Cherokee Nation.			Ancestor.	
		filed August 19th, 1887.			Eli Shoemake.	

Rejected May 2nd, 1889.

Application for Cherokee Citizenship. Now comes on this day for the final hearing of the above entitled case the Commission after investigating the papers in said case find that the applicant produces no evidence whatever to sustain the allegation set forth in his application relying entirely on his application. Therefore the Commission render a decision adversely to Claimant Wm. L. Shoemake & the following named minor children, Altha J. Shoemake, female aged 11 years, Bulah B. Shoemake aged 8 years. (Post Office Kingston, Texas).

This May 2nd, 1889.
D. S. Williams,
Clk. Com. Tah. I. T.

Will P. Ross,
Chairman.
John E. Gunter, Com.

MR. HUTCHINGS: The Nation offers in evidence the original record in the citizenship case of William L. Shoemake, and the judgment in that case, found in citizenship record heretofore referred to on page 41.

JUDGE THOMAS: The attorneys for the claimant object to the introduction of this testimony, for the reason that it is not a record in any way connected with the case on trial; that it is a judgment rendered five years after the judgment rendered by the Tehee Commission admitting the claimants to Cherokee Citizenship; because it casts no light on the legal or legitimate questions pending before the Commission; it will not be admissable as evidence under any legal rule.

BY COMMISSION: The objection of the attorney for the claimants to the admission of the record referred to will be noted, and the record considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

The record is contained in an envelope bearing the following endorsement:

Name Wm. L. Shoemake

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address Kingston, Texas.
Age 31 years.. Census.
1835/52-Old Settler Roll of 18..
Ancestor's Eli B. Shoemake
Filed 19 day of August.
Docket 328 Book E, Page 41
Testimony on Journal--Page
Decision of Commission, Rejected.
16th day of May. 1889.

Submitted by applicant, May 3rd.

R

Set for May 10th,
Adverse May 16th, 1889.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned, your petitioner, this day makes his application for readmission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That William L. Shoemake is the son of one Eli B. Shoemake, who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835-48-51-52 & Old Settler Roll. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age 31 years; Postoffice Kingston, Tex., family with their relationship attached is as follows:

No.	Names	Sex	Age	Relationship.
1	Jessy B. Shoemake	Male	6	Son
2	Francis J. Shoemake	Female	4	Daughter
3	Tomie Shoemake	"	2	"
4	Lena Shoemake	"	1	"

In witness of which application I hereunto set my hand on this the 18 day of August 1887.

William L. Shoemake.

C. H. Taylor, Attorney.

W. L. Shoemake, et al,
vs.
Cherokee Nation.

Office Com. on Citizenship.

Tahlequah, I. T., Oct. 20th, 88.

J. D. Shoemake, who being duly sworn, states, I am [illegible] years old. I live at Webbers Falls, Cherokee Nation.

I was raised with Eli Shoemake. I am acquainted with his family, they are, Lafayette Shoemake, Hugh Shoemake, he is no [illegible] Mollie Shoemake, Georgia Ann Shoemake, and Rosetta Shoemake, Ida Shoemake, and Gibby Ann Shoemake. Altha Jane Shoemake is the daughter of Hugh Shoemake, so is also Sulah B. Shoemake.

Cross-Ex.

I am acquainted with Geo. Ann Corrington. She is about [illegible] years old. She is the daughter of Eli Shoemake, and married J. B. Corrington, a white man, children dead.

I am acquainted with Mary E. Warren. She is the daughter of Eli Shoemake, she married Jake Warren, a white man. She has two children, named J. Lafayette and Jacob Warren, aged 8 and 3 years old. She has another filed since the filing of this application, her application- J. Warren had no children before he married Mary Shoemake.

Attest:
Connell Rogers,
Clerk Com. on Citizenship.

Endorsed as follows:

Testimony of
J. D. Shoemake,
in case
W. L. Shoemake, et al.

W. L. Shoemake, et al,) Office Com. on Citizenship.
))
vs.) Tahlequah, I. T., Oct. 30, 1[illegible].
)
Cherokee Nation.)

J. B. Covington, who being duly sworn, upon his oath states in the matter of the identification of the children of the applicant, I am acquainted with W. L. Shoemake and his family. His family are Jesse B.,- Tottie and Lenor Shoemake, aged respectively 7-5-4 and 2 years of age.

Cross Ex.

W. L. Shoemake lives in Hunt Co., Texas, he has been there at this place for 17 or 18 years, his wife was a Lillard. She was a woman. She had no children before she married W. L. Shoemake. Father of the applicant was Eli B. Shoemake.

Attest:

Connell Rogers,

Clk. Com. on Citizenship.

Endorsed as follows:

Testimony of
J. B. Covington
in case
W. L. Shoemake.

William L. Shoemake)
)
vs.)
)
Cherokee Nation.)

John M. Taylor, who after being duly sworn, stated as follows: I am 52 years of age. Live in Tahlequah, Tahlequah District, Cherokee Nation. Margaret Puffer claimed to be a cousin of the Shoemakes. That she was a cousin of Dick Shoemake of Illinois District, and that she herself was a Smith, daughter of Dick Smith, and that the Shoemake and Exendynes all belong to the same family. That they tried to get Dick Shoemake to help them out but he would not do it, and that they were all Cherokees alike, and that they had affidavits before the Court to show they were all the same family. They wanted Dick Shoemake to assist them as a witness. I heard Shoemake say they came here directly after the emancipation. He did not say whether they were acknowledged as citizens or not. I have been informed they left the country to avoid having the cases investigated. They were the Shoemakes, Exendines, Carters, Schrimshers and Russel.

The applicant is of the same family. The applicant I don't know anything about. The Schrimshers who were rejected are of a different family from those living here at present.

Attest:

this May 3rd, 1 89. E. C. Ross,
Clk. of Commission.
on Citizenship.

Endorsed as follows:

Testimony of
John M. Taylor
in case of
Wm. L. Shoemake,
vs.
Cherokee Nation.

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

Tahlequah, May 16th, 1889.

Wm. L. Shoemake	)
	)
vs.	)
	)
The Cherokee Nation.	)

Now on this day come the above named case for final hearing. The applicant alleges that he is descended from Eli B. Shoemake, whose name may be found on the Census Rolls of Cherokees taken and made of Cherokees by blood in the years 1835/52-016 Settler. The evidence fails to show that Eli B. Shoemake was of Cherokee blood, while his name is not found on the rolls named. The Commission therefore decide that William L. Shoemake is not of Cherokee blood and not entitled to re-admission to citizenship in the Cherokee Nation. This dedision includes the family of applicant to-wit: Jesse B. Shoemake, aged 6 years, Frances J. Shoemake (daughter) aged 4 years, Tommie J. Shoemake (daughter) aged two years, and Lena Shoemake (daughter) aged one year.

Will P. Ross,
Chairman.

John E. Gunter, Commis.
(Gunter's name also signed in Cherokee)

WILLIAM L. SHOEMAKE.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, C. N., August 19th, 1887.

Docket No.		Names	Age	Sex	Post Office	Atty.
	1	William L. Shoemake	31	Male	Kingston, Texas	
	2	Jessie B. Shoemake	6	"		
328	3	Francis J. Shoemake	4	Female		
	4	Tommie Shoemake	2	"		
	5	Lena Shoemake	1	"	Applicant for Cherokee Citizenship.	C. N. Taylor
		vs.			Rolls 1835 to 1852.	
		Cherokee Nation.			Ancestor	
		Filed August 19th, 1887.				

Rejected May 15, 1889.

Office Commission on Citizenship.

Cherokee Nation. Ind. Ter'y.

Tahlequah, May 16th, 1889.

Now on this day comes the above named case for final hearing. The applicant alleges that he is descended from Eli B. Shoemake, whose name may be found on the Census Rolls of Cherokee taken and made of Cherokees by blodd in the years 1835/52- Old Settler. The evidence fails to show that Eli B. Shoemake was of Cherokee blood, while his name is not found on the rolls named. The Commission therefore decide that William L. Shoemake is not of Cherokee blood and not entitled to re-admission to citizenship in the Cherokee Nation. This dedision includes the Family of applicant, to-wit: Jesse B. Shoemake, aged 6 years; Francis J. Shoemake (daughter) aged 4 years, Tommie J. Shoemake (daughter) aged 2 years, and Lena Shoemake (daughter) aged one year.

Attest:
D. S. Williams,
Asst. Clk. Com.

Will P. Ross, Chairman.
R. Bunch, Commissioner.
John E. Gunter, Com.

MR. HUTCHINGS: The Nation offers in evidence the citizenship record in the case of William L. Shoemake, guardian, and judgment in the said case, in the citizenship record heretofore referred to, on page 43.

JUDGE THOMAS: The attorneys for the claimant object to the introduction of this testimony, for the reason that it is not a record in any way connected with the case on trial; that it is a judgment rendered five years after the judgment rendered by the Tehee Commission admitting the claimants to Cherokee citizenship; because it casts no light on the legal or legitimate questions pending before the Commission; and because it will not be admissable as evidence under any legal rule.

BY COMMISSION: The objection of the attorney for the claimants to the admission of the record referred to will be noted, and the record considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

The record is contained in an envelope bearing the following endorsement:

Name Wm. L. Shoemake
(Guardian)

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address, Kingston, Tex.
Age.....Years Census
1835/1852 & Old Settler Roll of 18..
Ancestors Eli R. Shoemake
Filed the 20th day of August, 1887.
Docket 330, Book B, Page 43.
Testimony on record---Page 144.
Decision of Commission, Rejected
2nd day of May, 1889.

Submitted by both parties
May 2nd, 1889.

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned, your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this his application to-wit: That William L. Shoemake is the son of one Eli R. Shoemake who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835-48-51-52 & Old Settler Rolls. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age 31 years; Postoffice Kingston, Tex., family with their relationship attached is as follows:

No.	Names.	Sex	Age	Relationship.
1	Rosetta Shoemake	Female	17	Guardian
2	Idie B. Shoemake	"	13	"
3	Gidda A. Shoemake	"	10	"

In witness of which application I hereunto set my hand on this the 18 day of August 1887.

C. H. Taylor, Attorney.

William L. Shoemake
Guardian for
Children.

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

Tahlequah, May 2nd, 1889.

Wm. L. Shoemake,)
Guardian, vs.)
Cherokee Nation.)

Application for Cherokee Citizenship.

Now comes on this day for the final hearing the above entitled case, the Commission after investigating the papers in said case, find that the applicants produce no evidence whatever to sustain the allegations set forth in his application, relying entirely upon the application, therefore the Commission render a decision adversely to claimant Wm. L. Shoemake & the following named minor children whose name appear in the application of Wm. L. Shoemake & recorded as their Guardian.

Rosetta Shoemake, Female age 17 years.
Idie B. Shoemake " " 13
Gidda A. Shoemake " " 10
Post office address is Kingston, Tex.

Dill P. Ross,
Chairman.

John E. Gunter, Comm'rs.

WM. L. SHOEMAKE.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, C. N., August 20th/87.

Docket No.		Names.	Age	Sex	Post Office	Atty.
	1	Wm. L. Shoemake	39	Male	Kingston, Texas	
	2	Rosetta Shoemake	17	Female		
330	3	Ida B. Shoemake	13	"	Applicants for Cherokee Citizenship.	C.H.Taylor
	4	Zidda A. Shoemake	10	"		
		vs.			Rolls 1835,1852, Old Settlers' Rolls	
		Cherokee Nation.			Ancestor	
		filed Aug.20th, 1887.			Eli B. Shoemake	

May 2nd, 1889.

Now comes on this day for the final hearing of the above case, the Commission after investigating the papers in said case find that the applicant produces no evidence whatever to sustain the allegation set forth in his application relying entirely on this application. Therefore the Commission render a decision adverse to claimant Wm. L. Shoemake and the following named minor children whose names appear in the application of Wm. L. Shoemake and recorded as guardian Rosetta Shoemake, Female, aged 17 years, Ida B. Shoemake, Female, aged 13 years; Zidda A. Shoemake aged 10 years. Post Office address is Kingston, Texas.

E. G. Ross,
Clerk Commission.

Will P. Ross, Chairman.
John E. Gunter, Com.

MR. HUTCHINGS: The Nation desires to introduce the record in the case of the same applicant who applied for the children aforesaid, before the Dawes Commission, being case No. 3165, the applicants therein showing themselves principally to be the grand children of the applicant here, W. H. Shoemake.

The record in the case is as follows:

Personally appeared before me the undersigned authority, a Notary Public in and for the Northern District of the Indian Territory, W. F. Seaver, who being by me first duly sworn, upon his oath says that he did on this the 3rd day of September, 1896, deposit in the United States Post Office at Muscogee, I.T. an envelope containing true and correct copies of the Petition and Evidence in the case of Lula B. and Eddie E. Shoemake by next friend for citizenship in the Cherokee Nation of Indians, addressed to Hon. Samuel H. Mayes Chief of the Cherokee Nation, at Tahlequah, Indian Territory, with lawful postage paid thereon, and that Tahlequah is where the said Chief gets his mail.

W. F. Seaver.

Sworn to and subscribed before me this September 3, 1896.

H. A. Gibson,
(Seal) Notary Public aforesaid.

I am a citizen of the Cherokee Nation.

To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, W. H. Shoemake, undersigned, respectfully states he is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That he derives his said Indian blood from Anna Shoemake, his grandmother, who was a Cherokee Indian by blood; That said Anna Shoemake was the wife of John Shoemake who held a reservation in Jackson County, Alabama as shown by the Cherokee Census Roll of 1817.

Your petitioner states the above facts as the lawful grounds of his application for citizenship in the Cherokee Nation, and prays that his claim may be fully investigated by your Honorable Commission and that he be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 71 years. My Post Office address is Webber-falls, I.T. My family consists of the following named persons. My grand children as follows:

Lula B. Shoemake, aged 14 years.
Eddie Cole Shoemake, aged 11 years.

These children are the legal heirs of my son W. C. Shoemake, deceased, and are my grand children, & I make this application for their benefit & not for my own.

Witness my hand this 18' day of August, 1896.

W. H. SHOEMAKE.

Indian Territory,)
)ss.
Creek Nation.)

Personally appeared before me, the undersigned authority, W. H. Shoemake, to me known to be the petitioner in the above petition, who being by me first duly sworn, upon his oath says that he is the petitioner in the above petition, that he has read (or heard read) the said petition, and that the facts stated therein are true, as he verily believes.

W. H. Shoemake.

Subscribed and sworn to before me at Muskogee, I. T., this 18th day of August, A. D. 1896.

N. A. Gibson,

(Notarial)
(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF W. H. SHOEMAKE FOR HIS GRAND CHILDREN LULA B. SHOEMAKE AND EDDIE COLE SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, J. W. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 62 years of age. My Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood, and have been fully recognized since 1883. W. H. Shoemake, who makes application for his grand children Lula B. Shoemake, and Eddie Cole Shoemake, is my full brother, and they live with him in Canadian District, Cherokee Nation Indian Territory. They are children of W. C. Shoemake, who was a son of this claimant W. H. Shoemake, who is a son of John A. Shoemake, who was a son of Annie Shoemake, who was the wife of John Shoemake who held a reservation in Jackson County, Alabama, by virtue of the Cherokee blood of his wife, the said Annie, as will appear by the Cherokee Roll of 1817, on file in the Indian Department in Washington D. C.

I know my brother's grand children Lula B. and Eddie Cole Shoemake, and know that they are descendants of W. C. Shoemake, the son of my brother and are Cherokee Indians by blood W. C. Shoemake made application for citizenship under the old law in his life time.

J. W. SHOEMAKE.

Sworn to and subscribed before me this August 20" 1896.

J. C. Buchanan,

Notary Public.

IN THE MATTER OF THE APPLICATION OF W. H. SHOEMAKE FOR HIS GRAND CHILDREN LULA B. SHOEMAKE AND EDDIE COLE SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority W. H. Shoemake, who, being by me first duly sworn, upon his oath says as follows:

I am 71 years of age. My Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood, and a recognized Cherokee citizen and have been since 1833.

I held the position of Judge for four years in the Southern Judicial District of the Cherokee Nation. I make this claim in behalf of my grand children Lula B. Shoemake and Eddie Cole Shoemake who are the children of my deceased son W. C. Shoemake, I being the son of John A. Shoemake, and he the son of Annie Shoemake, the wife of John Shoemake, who held a reservation in Jackson County, Alabama, by virtue of his wife's Cherokee blood, as shown by the Polls of 1817 as evidenced by the records in the Indian Department at Washington D. C. These children are the lineal descendants of the aforesaid Annie Shoemake and are Cherokee Indians by blood, and are entitled to be enrolled as such. My son W. C. Shoemake made application for citizenship in his life time under the old law.

W. H. Shoemake.

Sworn to and subscribed before me this August 18, 1896.

N. A. Gibson,

Notary Public.

Endorsements on back as follows:

No. 3165.
Application of
Lula B. Shoemake
and
Eddie Cole Shoemake
By their next friend
W. H. Shoemake
for citizenship in
the Cherokee Nation.

Filed Sept. 4-1896.
A. S. McKennon,
Comr.
Rejected.

W. F. Seaver,
Atty. for Claimant.

Page 464, Docket B.

Alma L. Shoemake.

Office Commission on Citizenship.

Tahlequah, C. N., Oct. 5th, 1887.

Docket	No.	Names.	Age	Female	Post Office	Atty.
				Female		
	1	Alma L. Shoemaker	9	Female		
	B	Lelia Bell Shoemaker	7			
	B	Eddy C. Shoemaker	4			C. N. Taylor.
					Applicant for	
					Cherokee	
					Citizenship.	
		vs.			Ancestor	
		Cherokee Nation.				

Commission on Citizenship.
Cherokee Nation, Ind. Ter.
Tahlequah, September 13, 1889.

Almer Shoemaker)
)
Lelia Bell Shoemaker)
)
Eddy C. Shoemaker,)
)
vs.) Application for Cherokee Citizenship.
)
The Cherokee Nation.)

The application in the above case was filed the 20th day of September, 1887, by Wm. H. Shoemaker as guardian. It alleges that the beforenamed persons aged respectively 9-7-4 years are the grand children of the guardian Wm. H. Shoemake, Circuit Judge of Canadian District, whose name will be found on the Census Rolls of Cherokees by blood taken and made by the United States in 1883. The witness in support of the application is the guardian himself, who was admitted to citizenship the 5th day of January 1883 by the Commission known as the "Tehee Court." Judge Shoemake sworn before the "Adair Commission" on Citizenship August 3rd, 1888, that they are the children of W. C. Shoemake from whom they derive their Cherokee blood, and he from his father who is the witness and the grand father of the applicants, who reside in Sebastian County, State of Arkansas. He also states that he has been taught that he himself derived his Cherokee blood from his father John A. Shoemake, and he from his mother Annie Shoemake nee Annie Bone whose husband was John Shoemake, the step father of John A. Shoemake, who was a white man. And that John Shoemake took a reservation under the treaty

of 1817 on Crow Creek in the County of Jackson and State of Alabama, and lived on and cultivated it, but understood that the Government took possession of it between 1850-5[illegible], but that it was renewed through J. G. & J. C. Coperton, and he subsequently received some consideration for it himself, and that his folks were living on the place from 1835 to about 1851. The witness went to Eastern Texas in 1849, and the Shoemakes were living in Jackson County, Alabama, late as the year 1854. The mother of the applicant was a white woman whose maiden name was Windom, and that of their grand mother Stewart who was white woman. The statements of the witness on part of the Nation are not to the case because they fail to connect the family of the applicants with the persons to whom they refer.

While the admission of W. H. Shoemake to citizenship by the Tehee Court is conclusive so far as he himself is concerned this Commission is governed necessarily by the laws under which it was created and is now acting. Although living on the immediate line but not actually in the Cherokee Nation East of the Mississippi River in 1835, the name of Wm. H. Shoemake is not found on the Census Roll of Cherokees taken in that year, nor in 1848-51-52, nor in 1867 which is referred to in the application, although not enumerated in the Acts creating this Commission, nor is the name of any other Shoemake, or that of Annie Shoemake, or Annie "Bone" found on said Rolls. The Commission therefore, render a decision against the claimants as having failed to establish their rights to Citizenship in the Cherokee Nation.

(Signed with the interlineation "or that of Annie Shoemake or Annie "Bone").

Will P. Ross, Chairman,

J. E. Gunter, Com.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: GENTLEMEN: The undersigned your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 5th, 1886, creating your Commission. And respectfully makes the following statement of the grounds of this their application, to-wit: That Alrer, Lelia Bell, Eddy C. Shoemake is the grand children of one W. H. Shoemake, Circuit Judge of Canadian District, who, the undersigned firmly believes was duly enrolled upon the Census Roll of Cherokees by blood, citizens of the Cherokee Nation, Taken and made in the year 1883. The undersigned hereby presents the above facts as the lawful grounds for this their application for Cherokee Citizenship by blood, and respectfully awaits the time when their application shall be truly heard and tried in accordance with the aforesaid law.

Age 9-7-4 years; Postoffice _____; Family with their relationship attached is as follows:

No.	Names.	Sex	Age	Relationship.
	Alner Shoemake	Female	9	Grand children of W. H. Shoemake.
	Lelia Bell Shoemake	"	7	
	Eddy C. Shoemake	Male	4	

In witness of which application I hereunto set my hand on this the 20th day of Sept., 1887.

C. H. Taylor, Attorney. W. H. Shoemake, guardian for grand children.

Alma Shoemake,)
)
Leler Bell Shoemake)
)
Eddy C. Shoemake,)
) Office Commission on Citizenship.
vs.)
) Tahlequah, Ind. Ter. Aug. 3rd, 1893.
Cherokee Nation.)

W. H. Shoemake, who being first sworn, upon his oath states as follows: I am 63 years old, am a citizen of the Cherokee Nation by blood and live in Canadian District. The above [illegible] applicants in this case are my grand children, they are my son's children, their ages are, Alma, about 8 years old, Leler Bell, about 6 or 7, and Eddy C. Shoemake about 5 years old. They now live in Sebastian County, Arkansas. They derive their Cherokee blood from their father W. C. Shoemake, and he from his father, W. H. Shoemake, myself, and I from my father John A. Shoemake. I have been taught that he, John A., derived his Cherokee blood from [illegible] A nie Shoemake, her husband was John Shoemake, a white man. John and Annie Shoemake had but one child that I know of, named John A. Shoemake, my father. My grand father and father lived in the State of Alabama, Jackson County, in the fork of Crow Creek. I was told that under the treaty of 1817 my parents took this home as a reservation and lived on it and cultivated it. I left there in the year 1849, and heard that the Government took possession of this place some time between 1850 and 1855. I disremember who bought the place from the Government, if I ever heard, but they dispossessed my folks. There were two men living on the place or near the place, named C. and John C. Capertons at that time. I think grand father was dead. My parents employed the Capertons to bring suit against the Government, they were to give the Capertons 1/2 of the reservation should they win the case. We, through them, the Capertons, gained the land and was, placed in possession of it. My people then sold out our interest to Capertons and my brother, Eli Shoemake, asked me to make him my agent, through a Power of Attorney, to sell my part and do for me as if I were present. I received a consideration for my interest in these lands. My folks were living on this place from 1835 to about 1851.

The name of John A. Shoemake should appear on the rolls of 1835 and other rolls of Cherokees. I am acquainted with William L. Shoemake an applicant before the Commission, he is a nephew of mine and a son of my brother Eli Shoemake, he, the applicant is now living near Kingston, Hunt County, Texas, he is between 30 and 35 years of age. I don't know his children.

Cross Examination.

I was admitted to citizenship in this Nation on the 5th day of January, 1883. This was before what is known as the "Tehee Court."

The wife of John Shoemake, my grand father, whose name was Annie, was, I have been informed, named "Bone," or this was her maiden name I desire to say, when I speak of John Shoemake as my grand father, my information is, that he was my step grand father and not my own grand father as an ancestor. I understand that my father took his name, Shoemake, as such from John Shoemake my step grand father. I have no knowledge of the real name of my grand father's real name on my father's side. I don't claim Cherokee blood for my family from any other source than Annie Shoemake, the wife of John Shoemake, my step grand father. When I said the Government took possession of the place before mentioned, I meant the U. S. Government. I don't know upon what grounds the U. S. Government took possession of this reservation.

I went to Eastern Texas, Cass County, when I left Alabama in the fall of 1849. The Shoemakes were living in Alabama, Jackson County, as late as the year 1854. My mother was a white woman, she had no family before she married my father. William L. Shoemake's mother was a Stewart, a white woman, she had no family before she married William's father, Eli Shoemake. The mother of Alma, Lelar Bell & Eddy, heretofore mentioned, was a white woman, whose maiden name was Windom, she had no family before she married my son, W. C. Shoemake. I don't know that my folks that were left in Alabama participated in the per capita of 1851 and 1852 or not. I did not, I was in Texas at this time.

By the Court.

I have heard that Annie Shoemake nee Bone was a half blood Cherokee.

Re-Cross-Ex.

I never saw the original patent granting the reservation heretofore spoken of, to John Shoemake, my step grand father. My understanding is that John Shoemake took this reservation in right of his wife. If the reservation was in the name of John Shoemake, in his own name and not in right of his wife, he John Shoemake, was not a Cherokee as before stated. I dont know whether it was a simple or life estate the patent that was given John Shoemake as a title to the reservation before spoken of.

Re-Direct-Ex.

When I lived in the State of Alabama I was not required to work on public roads, was not compelled to pay poll Tax, and was exempt from Military duty, by law. So was my father. And my father and myself were not allowed to testify as a witness against a white man in the Courts.

Re-Cross-Ex.

I think we were compelled to pay tax on our lands.

Attest: Connor Rogers,
Clerk, Com. on Citizenship.

State of Missouri,)
)ss.
Pulaski County.)

I, John A. Smith being first duly sworn on his oath deposes and says his name is John A. Smith. I reside at present in Pulaski County, State of Missouri, My age is 58 years. I was born in Sequochee Valley, State of Tennessee. I have always been taught and believe that James Smith, who was by his Cherokee neighbors called Buck Smith was my father and his wife Polly Smith, whose maiden name was Polly Exendine, was my mother, and unto them was born all living together as husband and wife, Harvey, Loucinda, Martha, Emily, Charity, John A., Rossy, the within all bore the name of Smith. Loucinda married twice. I knew both husbands and their children, first husband Uria Bolton, they lived as husband and wife and unto them was born two girls, first Margaret A. Bolton now known as Margriet A. Puffer and Vicy I. Bolton now known as Vicy I. Brown, then Loucinda married Duncan McDonald and to them was born children now living 2 boys first W. F. McDonald, T. K. McDonald and 2 girls Lousia and Sarah who bore the name of McDonald. Mary Smith married Harmon and is now known as the widow Harmon and has five boys who bore the name of Harmond. Rossy Smith is married to B. Luster and now bears the name of Roos Luster, they have born to them 4 children who bear the name of Luster 3 boys one girl, the deponent John A. Smith has been taught the Jordon Smith was his Uncle and Anny Smith was his Aunt and that John Shoemake or bald Jack was his neibors called him was his uncle, and his grand father name was Sanders Smith his grand mother Anny Smith and her maiden name Anny Shoemake. Deponent further states he understands and believes that he is a Cherokee Indian by blood decent from his father James Smith or Buck and that he makes this statement for the purpose of showing his legal decent and right to Cherokee citizenship. My first daughter living, Mary Ann Smith age 32 now known as Mary Ann Earnshaw they have two boys bearing the name of Earnshaw given names Alfred Anderson age 7 years, John Franklin age 5 years Rebecker Ellander Smith aged 26 now k own as Rebecker E. Stroup children none to date. William Harvey Smith aged 20, Mary Sophiar Isibell Smith age 19 years Sarah Ellen age 10 years John C. Smith 20 years Peter T. Smith age 15 years.

his
John A. x Smith.
mark

Witnesses:

Richard Puffer & V. B. Hill.

State of Missouri,)
) ss.
County of Pulaski.)

Sworn and subscribed to before me on this 24th day of May, 1888. And I certify that all the foregoing statements were fully and carefully read over and explained to said affiant John A. Smith by me before he took the oath of and affixed his signature, and that he is entitled to full credit.

E. G. Williams.
Clerk County Court.

Case of Alma Bell & Eddy C. Shoemake,

vs.
Cherokee Nation.

Mark Bean introduced on part of Nation and testifies as follows:

I am 46 years old. I reside in Going Snake District. I know three families that lived near Dutch Mills, Washington County, Ark. Their names were Poper, Oxendines and Shoemakes. They left there in the year 1859 or 59 and went out in some of the Western Territories. They left Arkansas because they had either choose "Masters" or leave the State under the law of Ark.

Attest:
D. S. Williams,
Asst. Clerk, Sept. 11th, 1889.

Alma L. Bell &)
Eddy C. Shoemake,) Office Commission on
vs.) Citizenship, Sept. 12, 1889.
Cherokee Nation.)

Dennis W. Bushyhead who after being duly sworn states as follows: I am 63 years of age. Live at Tahlequah, Cherokee Nation. I dont know of any Cherokees by the name of Shoemake. When I was in California there was a family of Shoemakes and Oxendines that lived in one neighborhood who claimed to be Cherokees. That was in Calaveras County. They came to that country from Sebastian County, Arkansas, and looked like darkys to me. Some of them were nigger headed.

Cross Examination.

I knew these people in California in the years 65 and 66. Dont remember any of their given names. Never heard any of them say that they ever lived in Alabama. In the year 1839 or 1840 I heard of people by this name applying here as Cherokees, but they were rejected.

Attest:
E. G. Ross, Clerk Commission.

EXECUTIVE DEPARTMENT OF
CHEROKEE NATION.

I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct transcripts and copies therefrom.

In witness whereof I hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 22 day of Sept. 1896.

(SEAL)

JOHN L. ADAIR,

Executive Secretary.

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. B. Montgomery, Commissioners.

In the matter of the application of
Lelia B. & Edwin C. Shoemake. for citizenship in the Cherokee Nation.

Nation's No.
Commission's No.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the ground thereof says;

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the case.

2nd. That the application does not state facts sufficient, if true, to show that the applicants were entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that Anna Shoemake through whom the petitioners claim to derive their rights to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither they nor any of her ancestors now resides, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Respondent, for a further and complete defense to the aforesaid application says: That, heretofore said applicant made application before a legally constituted Court, or Commission on citizenship, having jurisdiction over application for re-admission to citizenship in the Cherokee Nation; that the said case was tried upon its merits; that upon a final hearing, judgment was duly given against the applicant and in favor of this Nation. A duly certified transcript of the aforesaid proceedings and judgment are annexed hereto and made a part of this answer.

Having fully answered your respondent asks to be hence dismissed

S. H. MAYES, Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair,

Subscribed and sworn to before me this, the 22 day of Sept. 1896.

D. J. Ball,
(SEAL) Notary Public.

Endorsements as follows:

Nation's No. 3146.
Commission's No.
In re Application of
Lula B. Shoemake,
et al

DEMURRER AND ANSWER,
Filed Sept. 28, 1896.
A. S. McKENNON,
COM'R.

MR. HUTCHINGS: Also Dawes Commission record in the case of James P. Shoemake, a full brother of the applicants here, being No. 3164.

The record in the above case is as follows:

Personally appeared before me the undersigned, a Notary Public, in and for the Northern District of the Indian Territory, W. F. Seaver, who being by me first duly sworn upon his oath says, that he did on this the 3 day of September, 1896, deposit in the United States Post Office at Muscogee, Ind Ter. an envelope sealed by him containing true and correct copies of the Petition and Evidence in the case of James P. Shoemake, for citizenship in the Cherokee Nation of Indians, addressed to Hon. Samuel H. Mayes, Chief of the Cherokee Nation, at Tahlequah, Indian Territory, with lawful postage paid thereon, and that Tahlequah is the place where the said Chief gets his mail.

W. F. Seaver.

Sworn to and subscribed before me this 3 day of September, 1896.

(Seal) N. A. Gibson,
Notary Public aforesaid.

To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, James P. Shoemake, undersigned, respectfully states that he is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians on the Indian Territory. That he derives his said Indian blood from Anna Shoemake, his grand mother, who was a Cherokee Indian by blood. Said Anna Shoemake was the wife of John Shoemake, deceased, who took possession by rights of his wife Anna Shoemake under treaty of 1817 in Jackson County, Alabama, & was awarded $7680 therefor, but not in 1847.

Your petitioner states the above facts as the legal grounds of his application for citizenship in the Cherokee Nation, and pray that his claim may be fully investigated by your Honorable Commission and that he be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 70 years. My Post Office address is Catoosa, Texas. My family consists of the following named persons: myself and children, as follows:

Georgia M. Shoemake, aged 24 years,
Charley Shoemake, aged 16 years,
Kissie Shoemake, aged 14 years.

Witness my hand this 18' day of August, 1896.

JAMES P. SHOEMAKE,
By his attorney W. F. Seaver.

Indian Territory, }
Creek Nation. } ss.

Personally appeared before me, the undersigned authority,

James P. Shoemake, to me known to be the petitioner in the above petition, who being first duly sworn, upon his oath says that he is the petitioner in the above petition, that he has read (or heard read) the said petition, and that the facts stated therein are true, as he verily believes.

James P. Shoemake,

Subscribed and sworn to before me this place, I. T., this 10 day of August, A. D. 1896.

H. A. Gibson,
Notary Public.

(SEAL)

IN THE MATTER OF THE APPLICATION OF JAMES P. SHOEMAKE FOR

CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, J. T. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 62 years of age. My Post Office is Webbers Falls, I. T. I am a citizen of the Cherokee Nation by blood, and have been since 1863. I have participated in all the drawings since 1863, exercised the right of franchise, and been accorded all the rights of any other full Cherokee Citizen.

The claimant is a full brother of mine, and the son of John A. Shoemake, and the grand son of Annie Shoemake, the wife of John Shoemake, who held a reservation in Jackson County, Alabama, as Cherokee Indians. My father had five children, viz: William H., James P., Eli B., John Wesley, and Elizabeth Ann. We were all born and raised on our grand parent's reservation in Jackson County, Alabama. The claimant is a Cherokee Indian by blood and entitled to be enrolled as such.

J. T. Shoemake.

Sworn to and subscribed before me this August 20th 1896.

J. C. Buchanan,
Notary Public.

(SEAL)

IN THE MATTER OF THE APPLICATION OF JAMES P. SHOEMAKE FOR

CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

United States of America,)
Northern District,)ss.
Indian Territory.)

Personally appeared before me the undersigned authority, W. H. Shoemake, who being by me first duly sworn, upon his oath says as follows:

My age is 71 years, my Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood. I am the grand son of Annie Shoemake, the wife of John Shoemake, who appears on the Roll of the Cherokee Tribe for the year 1817. My father was John A. Shoemake, commonly called Jack, the son of Annie Shoemake aforesaid. He had five children, viz: William H. James P., Eli B., John Wesley, and Elizabeth Ann. The claimant, James P. Shoemake, is my full brother and the son of John A. Shoemake and the grand son of Annie Shoemake.

POOR ORIGINAL -
BEST AVAILABLE COPY

The names of the claimant's children and their ages are given by him in his application. They and each of them are Cherokee Indians by blood and are entitled to be enrolled on the Cherokee Rolls as such. My grand father and grand mother aforesaid, held a reservation in Jackson County, Alabama, near Crootown, as Cherokee Indians, and lived and died there. Myself, the claimant, and our other brothers and sister were all born on that Reservation. I am a citizen of the Cherokee Nation and have been since 1883. I have held the position of Circuit Judge in my District for four years, and have participated in all the payments since 1883.

W. H. Shoemake.

Sworn to and subscribed before me this August 18, 1896.

N. A. Gibson,
(SEAL) Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES P. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, James P. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 70 years of age. My Post Office is Catoola, Texas. I am a Cherokee Indian by blood. I am the son of John A. Shoemake and the grand son of Annie Shoemake, the wife of John Shoemake, who held a reservation in Jackson County, Alabama, as Cherokee Indians, and a full brother of W. H. and J. W. Shoemake, who are citizens of the Cherokee Nation and residents of Canadian District Indian Territory.

My father had five children, Viz: William H., James P., Eli B., John Wesley, and Elizabeth Ann. We were all born and raised on our grand parent's aforesaid reservation in Jackson County, Alabama, and were always known and recognized as Cherokee Indians by blood.

Our grand mother Annie Shoemake was enrolled on the Cherokee Rolls of 1817. The names of my children, George M., Charley and Kissie are set forth in my application, and they are the lawful issue of my body, and they and each of them are Cherokee Indians by blood, and true lineal despendants of my grand mother, Annie Shoemake.

James P. Shoemake.

Sworn to and subscribed before me this August 18, 1896.

N. A. Gibson,
(SEAL) Notary Public,

Endorsements on back as follows:

No. 3164.
Application of
James P. Shoemake
for Citizenship in
The Cherokee Nation
of Indians.

Filed Sept. 4-1896.
A. S. McKennon,
Com.
Rejected.
W. F. Seaver,
Atty. for claimant.
54.

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A.B. Montgomery, Commissioners.

In the matter of the application of
James P. Shoemake — Nation's No. 3149.
Commission's No.
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof, says:

1st. That this Commission has not jurisdiction over the or subject matter of this controversy, and no legal right, power to hear or determine the same.

2nd. That the application does not state facts sufficient, true, to show that the applicant is entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that A[illegible] through whom the petitioner claims to derive his right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither he nor any of the ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Reference is here made to case of
James D. Shoemake, our No. 3145.

Having fully answered your respondent asks to be hence dismissed.

S. H. MAYES, Principal Chief
Cherokee Nation.
By Hastings, Hutchings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, being first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair,

Subscribed and sworn to before me this the 28 day of Sept. 1896.
D. J. Ball,
Notary Public.

Endorsed as follows:
Nation's No. 3149.
Commission's No.
In re Application of
James P. Shoemake.

Demurrer and Answer.
Filed Sept. 28, 1896.
A. S. McKennon,
Com.

MR. HUTCHINGS: We also introduce the record in the case of George W. Shoemake, a nephew of the applicants, being Dawes Commission No. 3163.

The record is as follows:

Personally appeared before me the undersigned authority, a Notary Public in and for the Northern District of the Indian Territory, W. T. Seaver, who being by me first duly sworn, upon his oath says that he did on this the 3rd day of September, 1896, deposit in the United States Post office at Muscogee, Ind. Ter. an envelope containing true and correct copies of the Petition and evidence in the case of George W. Shoemake for citizenship in the Cherokee Nation of Indians, addressed to Hon. Samuel H. Mayes, Chief of the Cherokee Nation at Tahlequah, Indian Territory, with lawful postage paid thereon, and that Tahlequah is where the said Chief resides.

W. T. Seaver.

Sworn to and subscribed before me this September, 3, 1896.

N. A. Gibson,

(SEAL) Notary Public.

To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory.

Your petitioner, George W. Shoemake, undersigned, respectfully states that he is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That he derives his said Indian blood from Anna Shoemake his grandmother, who was a Cherokee Indian by blood. Said Anna Shoemake was the wife of John Shoemake, who held a reservation in Jackson County, Alabama as Cherokee Indians as shown by the rolls of the Cherokees at Washington, D. C., for 1817.

Your petitioner states the above facts as the lawful grounds of his application for citizenship in the Cherokee Nation, and prays that his claim may be fully investigated by your Honorable Commission and that he be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties of said Nation of Indians.

My age is 50 years. My Post Office address is Checotah, I. T. My family consists of the following named persons: Myself and children as follows:

William D. Shoemake,	age 27 years.
Fannie E. Shoemake (now Twiford)	aged 24 years,
George Ann (now Shaw)	aged 22 years,
John E. Shoemake,	aged 19 years,
Russ Shoemake,	aged 17 years,
Larry L. Shoemake,	aged 15 years,
Uberta Shoemake,	aged 13 years.

WITNESS my hand this 18' day of August, 1896.

George W. Shoemake,
By his Atty. W. T. Seaver.

Indian Territory,)
)ss.
Creek Nation.)

Personally appeared before me, the undersigned authority, George W. Shoemake, to me known to be the petitioner in the above petition, who being by me first duly sworn, upon his oath says that he is the petitioner in the above petition, that he has read (or

heard read) the said petition, and that the facts stated therein are true, as he verily believes.

George W. Shoemake.

Subscribed and sworn to before me at Muskogee, I. T. this 18' day of Aug. A. D. 1896.

N. A. Gibson,
(SEAL) Notary Public.

IN THE MATTER OF THE APPLICATION OF GEORGE W. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me, the undersigned authority J. W. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 62 years of age. My Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood, and a recognized citizen of the Cherokee Nation and have been since 1883. I am a full brother of W. H. Shoemake who testifies in this case, I knew the claimant George W. Shoemake. He is a son of my full sister Elizabeth Ann Shoemake, who was a daughter of John A. Shoemake, who was the son of Annie Shoemake, the wife of John Shoemake who held a reservation in Jackson County, Alabama, as Cherokee Indians, as will more fully appear by the records at Washington, that the said John Shoemake held said reservation by virtue of his wife Annie's Cherokee blood, as per Rolls of 1817.

The names and ages of claimant's children as set forth in his application are correct and he and his children are Cherokee Indians by blood, and the direct lineal descendants of Annie Shoemake aforesaid, and are Cherokee Indians by blood.

J. W. Shoemake.

Sworn to and subscribed to before me this August 20" 1896.

J. C. Buchanan,
(SEAL) Notary Public.

IN THE MATTER OF THE APPLICATION OF GEORGE W. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority George W. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 50 years of age. My Post Office is Checotah, I. T. I am the claimant in the application hereto attached. I am a nephew of W. H. and J. W. Shoemake who are Cherokee citizens by blood, and who testify in this case. I am the son of their full sister Elizabeth Ann Shoemake, who was the daughter of John A. Shoemake, who was the son of Annie Shoemake, the wife of John Shoemake, who held a reservation in Jackson County, Alabama, by virtue of the Cherokee blood of his wife Annie aforesaid, as appears by the Rolls of the Cherokee Tribe for 1817, as of record in the Indian Department in Washington, D. C. The names and ages as set forth in my application of my children are correct. They being my lawful heirs and Cherokee Indian by blood.

George W. Shoemake.

Sworn to and subscribed before me this August 18, 1896.

N. A. Gibson,
(SEAL) Notary Public.

IN THE MATTER OF THE APPLICATION OF GEORGE W. SHOEMAKE FOR

CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, W. H. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 71 years of age. My Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood, and a recognized citizen of the Cherokee Nation and have been since 1833. I held the position of Circuit Judge for four years in the Southern Judicial District of the Cherokee Nation. I know the claimant George W. Shoemake. He is a son of my full sister Elizabeth Ann Shoemake, who was the wife of John A. Shoemake, who was the son of Annie Shoemake, the wife of John Shoemake who held a reservation in Jackson County, Alabama, as Cherokee Indians, as will more fully appear by the records at Washington, that said John Shoemake held said reservation by virtue of his wife Annie, as per rolls of 1817. The names and ages of claimant's children as set forth in his application are correct, and he and his children are Cherokees by blood and the direct lineal descendants of Annie Shoemake aforementioned.

W. H. Shoemake.

Sworn to and subscribed before me this August 13, 1896.

H. A. Gibson,
(SEAL) Notary Public.

Endorsements as follows:
No. 3163.
Application of
George W. Shoemake,
for citizenship in
the Cherokee Nation
of Indians.

Filed Sept. 4-1896.
A. S. McKennon,
Com.

Rejected.
W. F. Seaver,
Atty. for Claimant.

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. R. Montgomery, Commissioners.

In the matter of application of
Geo. W. Shoemake, et al Nation's No. 3148.
Commission's No.
for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That the Commission has not jurisdiction over the matter or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicant is entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that Ada Shoemake through whom the petitioner claim to derive right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Reference is her made to case of John D. Shoemake, our No. 3148.

Having fully answered, your respondent asks to be hence dismissed.

S. H. MAYES, Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boudinot, Attorneys.

John L Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair,

Subscribed and sworn to before me this the 28 day of Sept. 1896.

D. J. Ball,
Notary Public.

Endorsements as follows:
Nation's No. 3148.
Commission's No.
In re Application of
Geo. W. Shoemake.

Demurrer and answer.
Filed Sept. 28, 1896.
A. S. McKennon,
Com'r.

MR. HUTCHINGS: We also introduce the record in the case of Mary J. Shoemake, Dawes Commission No. 3168.

The record is as follows:

Personally appeared before me the undersigned a Notary Public in and for the Northern District of the Indian Territory, W. P. Sawyer, who being by me first duly sworn upon his oath says that he did on the ____day of September, 1896, deposit in the United States Post Office at Muscogee, Indian Territory an envelope containing true and correct copies of the Petition and Evidence in the case of Mary J. Shoemake for citizenship in the Cherokee Nation of Indians,

addressed to Hon. Samuel H. Mayes, Chief of the Cherokee Nation, at Tahlequah, Indian Territory, with lawful postage paid thereon, and that Tahlequah, I. T. is the place where the said Chief resides.

W. F. Seaver,

Sworn to and subscribed before me this 3 day of September 1896.

N. A. Gibson,

(SEAL) Notary Public.

To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory.

Your petitioner, Mary J. Shoemake (wife J. E. Shoemake, deceased) undersigned, respectfully states that she is a Cherokee Indian by marriage, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Anna Shoemake, her husband's G. G. mother who was a man J. E. Shoemake, deceased & the great great son of Anna Shoemake the wife of John Shoemake, who held a reservation in Jackson County, Alabama as Cherokee Indians & was on the rolls of 1817.

Your petitioner states the above facts as the lawful grounds of her application for Citizenship in the Cherokee Nation, and prays that her claim may be duly investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 35 years. My Post Office address is Muskogee, I. T. My family consists of the following named persons: Myself and children, as follows:

Annie E. Shoemake,	aged 17 years,
Lillie M. Shoemake,	aged 15 years,
Virgie S. Shoemake,	aged 12 years,
Henry J. Shoemake,	aged 8 years,
Trixie L. Shoemake,	aged 6 years,
Grover C. Shoemake,	aged 4 years,
Ula E. Shoemake,	aged 1 years.

WITNESS MY HAND THIS 19 day of Aug. 1896.

Mary J. Shoemake.

By her Attorney W. F. Seaver.

Indian Territory,)
)ss.
Creek Nation.)

Personally appeared before me the undersigned authority Mary J. Shoemake, to me known to be the petitioner in the above petition, who being by me first duly sworn, upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition, and that the facts stated therein are true, as she verily believes.

Mary J. Shoemake,

Subscribed and sworn to before me at Muskogee, I. T., this 19 day of Aug., A.D.1896.

N. A. Gibson,

(SEAL) Notary Public.

IN THE MATTER OF THE APPLICATION OF MARY J. SHOEMAKE FOR CITIZEN-

SHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, J. W. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 62 years of age. My Post Office is Webbers Falls, I. T. I am a citizen of the Cherokee Nation by blood and have been since 1883. I have participated in all th drawings since 1883, exercised the right of franchise, and been accorded all the rights of a full Cherokee citizen. The claimant is the widow of my nephew J. E. Shoemake, deceased, who was the son of Elizabeth Ann Shoemake, my full sister, who was the daughter of John A. Shoemake, who was the son of Annie Shoemake, the wife of John Shoemake, who held a reservation in Jackson County, Alabama, by virtue of the Cherokee blood of his wife Annie as will appear from the Cherokee Rolls of 1817.

The children as set forth in claimant's application by name and age are the children of this claimant, by her deceased husband, J. E. Shoemake, and are Cherokee Indians by blood, and are entitled to be enrolled as such.

J. W. Shoemake.

Sworn to and subscribed before me this August 20" 1896.

J. C. Buchanan,

(SEAL) Notary Public.

IN THE MATTER OF THE APPLICATION OF MARY J. SHOEMAKE FOR CITIZEN-

SHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority Mary J. Shoemake, who being by me first duly sworn upon her oath says as follows:

I am 35 years of age. My Post Office is Muscogee, I. T. I am the widow of J. E. Shoemake, deceased, whose name appears in my application, of myself and children for Cherokee citizenship, as my husband. He was a nephew of W. H. and J. W. Shoemake who are citizens of the Cherokee Nation. The names of our children and ages as set forth in my application are correct. We were lawfully married in Hunt County in the State of Texas on the 23 day of Jan 1878, and the children as named in my application were born of my body and begotten by my deceased husband, J. E. Shoemake, and Cherokee Indians by blood.

Mary J. Shoemake,

Sworn to and subscribed before me this 19 day of August 1896.

N. A. Gibson,

(Seal) Notary Public.

IN THE MATTER OF THE APPLICATION OF MARY J. SHOEMAKE FOR CITIZEN-

SHIP IN THE CHEROKEE NATION OF INDIANS.

United States of America,)
Northern District,)ss.
Indian Territory.)

Personally appeared before me the undersigned authority W. H. Shoemake, who being by me first duly sworn, upon his oath says as follows:

I am 71 years of age. My Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood, and a recognized citizen of the Cherokee Nation and have been since 1883. I held the position of Circuit Judge forfour years in the Southern Judicial District of the Cherokee Nation. I am a grand son of Annie Shoemake, the wife of John Shoemake who held a reservation in Jackson County, Alabama, as Cherokee Indians. My father was John A. Shoemake, commonly called Jack, the son of Annie Shoemake aforesaid. He had five children, viz: William H., James P., Eli B., John Wesley, and Elizabeth Ann. The claimant Mary J. Shoemake is the widow of J. E. Shoemake who was the son of my sister Elizabeth Ann Shoemake, and the grand son of John A. Shoemake, and the great grand son of Annie Shoemake, who was enrolled on the Rolls of the Cherokee Nation for 1817 as a Cherokee Indian by blood. John Shoemake held a reservation aforesaid by right of his wife Annie Shoemake, aforesaid, as will appear by record in the Indian Bureau at Washington.

The names and ages of claimant's children as set forth in her application are correct and they are the children of J. E. Shoemake, deceased, my nephew, and are Cherokee Indians by blood.

W. H. Shoemake.

Sworn to and subscribed before me this August 18, 1896.

N. A. Gibson,

(SEAL) Notary Public.

Endorsed as follows:

No. 3160.
In re Application of
Mary J. Shoemake for
citizenship in the Cherokee
Nation, I. T.

Filed Sept 4-1896.
A. S. McKennon,
Com'r.

Rejected.

W. F. Seaver, Atty.
for Claimants.

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. R. Montgomery, Commissioners.

In the matter of the application of
Mary J. Shoemake, et al,
for citizenship in the Cherokee Nation.

Nation's No. 3147.
Commission's No.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that Anna Shoemake through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither they nor any of the ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Reference is here made to case of
James D. Shoemake, our No. 3145.

Having fully answered, your respondent asks to be hence dismissed.

S. H. MAYES, Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair.

Subscribed and sworn to before me this the 22 day of Sept. 1896.

D. J. Ball,

(SEAL)

Notary Public.

Endorsements as follows:
Nation's No. 3147.
Commission's No.
In re Application of
Mary J. Shoemake.

Demurrer and Answer.
Filed Sept. 28, 1896.
A. S. McKennon,
Com'r.

MR. HUTCHINGS: We also desire to introduce the record in the case of James D. Shoemake, Dawes Commission No. 3161, the said James I. Shoemake being the same applicant heretofore referred to as having the case before the Tehee Court, the record on page 258 of which has been introduced, and before the Adair Court, the record of which on page 51 has been introduced, and who was shown to be a son of Elizabeth Shoemake, a sister of the applicants.

The record is as follows:

Personally appeared before me the undersigned, a Notary Public in and for the Northern District of the Indian Territory, W. F. Seaver, who being by me first duly sworn upon his oath says that he did on the 3 day of September, 1896, deposit in the United States Post Office at Muskogee, Indian Territory an envelope containing true and correct copies of the Petition and Evidence in the case of James D. Shoemake for citizenship in the Cherokee Nation of Indians, addressed to the Hon. Samuel H. Mayes, Chief of the Cherokee Nation, At Tahlequah, Indian Territory, with lawful postage paid thereon, and that Tahlequah, I. T., is the place where the said Chief gets his mail.

W. F. Seaver.

Sworn to and subscribed before me this 3 day of September, 1896.

N. A. Gibson,

(SEAL) Notary Public,

To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory.

Your petitioner, James D. Shoemake, undersigned, respectfully states that he is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory That he derives his said Indian blood from Anna Shoemake his great grand Mother who was a Cherokee Indian by blood. Said Anna Shoemake was the wife of John Shoemake deceased, who took a reservation by right of his wife under the treaty of 1817, and was awarded $7680 for same by U. S. Government in 1847 as per U. S. Records.

Your petitioner states the above facts as the lawful grounds of his application for citizenship in the Cherokee Nation, and prays that his claim may be fully investigated by your Honorable Commission and that he be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 45 years. My Post Office address is Muskogee, I. T. My family consists of the following named persons: Myself (& 3 grand) and children, as follows:

Anna E. Shoemake, (now Hightower)	aged 22 years,
and her three children, James H.	
Jessie, Pearl,	
Cyrus D. Shoemake,	aged 17 years,
Richard E. Shoemake,	aged 14 years,
Marion F. Shoemake,	aged 12 years,
Delia F. Shoemake,	aged 10 years,
Junia Shoemake,	aged 6 years,
Paul E. Shoemake,	aged 3 years.

WITNESS my hand this 18' day of August, 1896.

James D. Shoemake.

By his Attorney, W. F. Seaver.

Indian Territory,)
Creek Nation.)ss.

Personally appeared before me the undersigned authority, James D. Shoemake, to me known to be the petitioner in the above petition, who being by me first duly sworn, upon his oath says that he is the petitioner in the above petition, that he has read (or heard read) the said petition, and that the facts stated therein are true, as he verily believes.

James D. Shoemake.

Subscribed and sworn to before me at Muskogee, I. T., this 1st day of Aug. A. D. 1896.

(SEAL) N. A. Gibson,
Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES D. SHOEMAKE FOR CITIZEN-SHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, J. W. Shoemake, who being by me first duly sworn, upon his oath says as follows:

I am about 62 years of age. My Post Office is Webbers Falls Ind Ter. I am a citizen of the Cherokee Nation by blood. I am a grand son of Annie Shoemake the wife of John Shoemake and mother of John A. Shoemake, who held a reservation in Jackson County, Alabama. My father, John A. Shoemake had five children, viz: W. H., James P., Eli B., John W., and Elizabeth Ann. The claimant James D. Shoemake, is a son of my full sister Elizabeth Ann Shoemake, and his family is correctly set forth by name and age in his application. They are all Cherokees by blood, and entitled to be enrolled on the Cherokee Rolls as such.

J. W. Shoemake.

Sworn to and subscribed before me this August 20 1896.

(SEAL) J. C. Buchanan,
Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES D. SHOEMAKE FOR CITIZEN-SHIP IN THE CHEROKEE NATION OF INDIANS.

United States of America,)
Indian Territory,)ss.
Northern District.)

Personally appeared before me the undersigned authority,

W. H. Shoemake, who being by me first duly sworn upon his oath says as follows:

My age is 71 years. My Post Office is Webbers Falls, Ind. Ter. I am a Cherokee citizen by blood. I am a grand son of Annie Shoemake the wife of John Shoemake, who appears on the Roll of the Cherokee Tribe for the year 1817. My fathers name was John A. Shoemake, commonly called Jack. He had five children, viz: William H., James P., Eli B., John Wesley, and Elizabeth Ann. The claimant James D. Shoemake is a son of Elizabeth Ann Shoemake, a full sister of mine, and a grand daughter of the said Annie Shoemake, wife of John Shoemake aforesaid. The names of the claimant's children and their ages as appears in his application are correct, and are the lawful issue of the said claimant. I was admitted a citizen of the Cherokee Nation in 1883 by Act of the Tehee Court, since which time I have been recognized as a full citizen of the Cherokee Nation, have drawn my per capita in all payments, and have held the position of Circuit Judge of Canadian District, and am now living and holding property as a Cherokee citizen in Canadian District, Cherokee Nation, Indian Territory. My grand father and grand mother John and Annie Shoemake held a reservation as Cherokee Indians in Jackson County, Alabama, near Crow town, for which the Government agreed to pay the sum of $7680.00 on or about January 3, and March 22, 1847.

W. H. Shoemake.

Sworn to and subscribed before me this August 18, 1896.

N. A. Gibson,
(SEAL) Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES D. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION.

Personally appeared before me the undersigned authority, James D. Shoemake, who being by me first duly sworn, upon his oath says as follows:

My age is 45 years. My Post Office is Muscogee, I. T. I live in the Cherokee Nation ten miles east of Muscogee, I. T. I am the claimant in the application hereto attached. I am the great grand son of Annie Shoemake, the wife of John Shoemake, who held a reservation in Jackson County, Alabama, as Cherokee Indians. I am the grand son of John A. Shoemake, who married Elizabeth Ann Shoemake, and the nephew of W. H. Shoemake and J. W. Shoemake, who are citizens of the Cherokee Nation and residents of Canadian District. The names as set forth in my application, viz: Annie B., James B., Richard E., Marion F., Delia F., Junia, and Paul E., are my children, and James H., Jesse, and Pearl are my grand children and children of my daughter Annie B. Hightower. We and each of us are Cherokee Indians by blood and the lineal descendants of Annie Shoemake, wife of John E. Shoemake, aforesaid. I made application to the Speer Court in the Cherokee Nation for citizenship under the old law in the year 1884, furnished my proof, which is of record at Tahlequah, I. T., and which the Cherokee authorities now refuse to give me a transcript of. After baffling me for about two years they then told me that I was rejected, hence this application.

James D. Shoemake.

Sworn to and subscribed before me this August 18, 1896.

N. A. Gibson,
(SEAL) Notary Public.

Endorsements as follows:
No. 3161.
Application of
James D. Shoemake
for Citizenship with
Cherokee Nation of
Indians.

Filed Sept 4-1896.
A. S. McKennon,
Comr.

Rejected.

W. F. Seaver
Atty for Claimant.
Copy.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned your Petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James D. Shoemake is the great grand son of one Annie Shoemake, and grand son of John A. Shoemake, and son of Betsia A. Shoemake, who the undersigned firmly believes was duly enrolled on the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835-48-51-52, and "Old Settler." The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age, 36 years; Post Office, Webbers Falls, I. T., family with their relationship attached is as follows:

No.	Names.	Sex	Age	Relationship.
1	John H. Shoemake	Male	15	Son
2	Anny E. Shoemake	Female	13	Daughter
3	Cyrus D. Shoemake	Male	8	Son
4	Richard D. Shoemake	"	5	"
5	Marion F. Shoemake	"	2	"

In witness whereof which application I hereunto set my hand this the 19th day of August, 1887.

James D. Shoemake.

Boudinot & Rasmus, Attorney.

Copy.

JAMES D. SHOEMAKE,)
VS.)
CHEROKEE NATION.)

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Aug. 4, '38.

J. W. Shoemake, who, being duly sworn upon his oath states: I am 54 years of age. I live in Canadian District, C. N. I am a Cherokee citizen by blood. I am acquainted with James D. Shoemake, the applicant. I first knew him in Alabama, when he was a child in Jackson County, in the old Nation. He is now about 36 or 37 years old. His mother was my sister, Betty Ann Shoemake. She was a Cherokee. She derived her Cherokee blood from her father, John A. Shoemake, and he from Annie Shoemake. James D. Shoemake, the applicant, is now residing in Canadian District, C. N. His mother is dead. She died in, I reckon, about the year 1852. She had other children that were living the last time I heard of them. Betty Ann's proper name, the mother of applicant, was Elizabeth Ann. James D. Shoemake, who is now here, is the applicant in this case. I have brothers in the Nation. W. H. Shoemake, now present, is my brother. I recognize James D. Shoemake, the applicant as the son of my sister, Betty Ann, and my nephew.

CROSS EXAMINATION.

When I spoke and said Betty Ann had other children than James, the applicant, one was older and one was younger, both were boys. One was named John and the other George Shoemake. These two boys, John and George Shoemake, were living in Texas the last I knew of them.

RE-DIRECT-EXAMINATION.

I did not know the father of the children of Betty Ann's children, James D., John and George, took the name of their mother-Shoemake.

Attest: Connell Rogers.
Clerk Commission on Citizenship.

Copy.

JAMES D. SHOEMAKE,)
VS.)
CHEROKEE NATION.)

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Aug. 3, '38.

W. H. Shoemake, who being duly sworn upon his oath states: I am 63 years old, and a resident of Canadian District, and am a citizen of the Cherokee Nation by blood. I am acquainted with the applicant James D, Shoemake. He is now residing in Canadian District, C. N. I have known him ever since he was a child. His mother was a sister of mine. Her father and mother were, as also mine, John A. and Elizabeth Shoemake. My father used to live in what is called Jackson County, Alabama. My sister Betty Ann-Elizabeth Ann- recognized James D. Shoemake as her son. I recognize him as my nephew. He is about 37 or 38 years old. I am acquainted with his family: his wife named Lina, a white woman. The children are John, Annie, Jack, Richard, and Frederick Shoemake, and infant not remembered, aged respectively about 16-14-12-8, and 3 years.

CROSS-EXAMINATION.

The applicant, James D. Shoemake, was born in Jackson County, Ala. I left there in 1849. The first time that I saw him, he was about 5 years old. His grand mother, Elizabeth Shoemake, brought him to Texas. She recognized him as being the son of Betty Ann Shoemake, and her grand son. I don't know who the father of James D. Shoemake was, he, James, took the name of his mother. The wife of James D. Shoemake was a white woman, and her maiden name was Lena Baker. She had no family before she married the applicant. The children above mentioned as James D. Shoemake's, are full brothers and sisters. The mother of applicant has been dead, I expect, about 30 years. She died in Alabama on the old reservation. I never saw my sister Betty Ann, or Elizabeth, after the applicant was born. She wrote me concerning him previous to her death.

RE-DIRECT-EXAMINATION.

I was recognized as a citizen on the 5th day of January, 1883. I hold the office of Circuit Judge of the Southern Judicial District.

Attest: Connell Rogers,

Clerk Commission on Citizenship.

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Copy.

JAMES D. SHOEMAKE,)
VS.)
CHEROKEE NATION.)

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Aug. 3- 88.

James D. Shoemake, who being first duly sworn in the matter of the identification of his children says:

I am 36 years old. I am the applicant in the above case. I have 6 children- 5 named on the application- named John Henry, Annie Eliz., Cyrus Daniel, Richard E., and Marion Frederic Shoemake, aged respectively 16- 14- 10- 6 and 2 years. They are all at home in Canadian District, C. N.

CROSS-EXAMINATION.

All of the above named children are the offspring of myself and present wife. My wife's maiden name was Angeline Barker, sometimes called "Lina." She had no family before I married her. I was born in Jackson County, Alabama. I left there in 1856. I think my grand father, John A. Shoemake, who died in Jackson County, Alabama, must have died a year or so before I was taken away from there.

Attest: Connell Rogers,

Clerk Commission on Citizenship.

Being all the testimony before the Adair Commission.

Copy.

DOCKET B, PAGE 51.

JAS. D. SHOEMAKE.

OFFICE COMMISSION ON CITIZENSHIP, TAHLEQUAH, C. N. AUG. 20TH, 1887.

Docket	No.	Names.	Age	Sex	Post Office	Attorney.
338	1	Jas. D. Shoemake	36	Male	Webber's Falls, I. T.	Boudinot & Rennie.
	2	John H. Shoemake	15	Female		
	3	Annie E. Shoemake	13	Male		
	4	Cyrus D. Shoemake	8	"	Applicants for Cherokee Citizenship.	
	5	Richard E. Shoemake	5	"		
	6	Marion F. Shoemake	2			
		vs. Cherokee Nation. Filed Aug. 20th, 1887			Census Rolls 1835 42- 51- 52. Ancestor.	

COMMISSION ON CITIZENSHIP.

C H E R O K E E N A T I O N, I N D. T E R.

Tahlequah, Oct. 25th, 1888.

JAMES D. SHOEMAKE, ET AL,)
vs.)
CHEROKEE NATION.)

Now, on this, the 25th day of October, 1888, comes the above case up for final disposition, it having been submitted by the plaintiff's attorney, E. C. Boudinot, Jr.

The application, as well as the testimony in this case, alleges one Annie Shoemake as the Cherokee ancestor of the applicants, and that she was of Cherokee blood, and that her name will appear on some of the Rolls of Cherokees, east.

We, the Commission on Citizenship, having carefully examined the Rolls laid down in the 7th Section of the law of Dec. 8th, 1886, in relation to citizenship, for the name of Annie Shoemake, but fail to find the name enrolled thereon in any shape, though it is in proof that these parties were in Jackson County, in the State of Alabama, up as late as the year 1854. The testimony of W. H. Shoemake, who is Judge of the Southern Judicial District of the Cherokee Nation, and uncle to the applicant, James D. Shoemake, who is the son of Betty Ann Shoemake, who was the full sister of W. H. Shoemake, goes to show that he was re-admitted to citizenship in the Cherokee Nation on the 5th day of January, 1883, by the Thee Commission on Citizenship, and that he now holds the office of Circuit Judge, as stated, of Canadian District.

In the absence of the Rolls of 1848, 1851, 1835 and 1852 of Cherokees, taken in the Old Nation, in the States of North Carolina, Georgia and Alabama, containing the names of the ancestor, Annie Shoemake, or that of the applicants themselves, we cannot grant citizenship to these applicants, for the law says "Such applicant must be a person, or the lineal descendant of a person, whose name appears on the Census Rolls of Cherokees taken by the United States,

after the Treaty of 1836," and before mentioned, which in this case, is clearly shown that they do not.

We are of the opinion, therefore, that this case is enveloped in some way, that we cannot find out just how it is, and, if Cherokees, as some would naturally suppose from the fact that some of this family had proven to the satisfaction of the Tehee Commission in 1883 that they were, that their names would appear in some of the Rolls of Cherokees already mentioned, and as other Cherokee's do, who were living in Alabama at the same time these parties were.

James D. Shoemake and his four children namely: John H. Amy E., Cyrus D., Richard E., and Marion F. Shoemake, are not Cherokees under the Law of Dec. 8th, 1886, in relation to citizenship, consequently not citizens of the Cherokee Nation.

J. T. Adair, Chairman Commission.
D. W. Lipe, Commissioner.
H. C. Barnes, Commissioner.

Copy.

AFFIDAVIT used in the case of William L. Shoemake, the rejected applicant of the same family, the witness living without the limits of the Indian Territory.

STATE OF KANSAS)
COUNTY OF CHEROKEE) ss.

In the matter of the claim of Margaret A. Puffer and family to the right of citizenship in the Cherokee Nation.

Personally appeared before this 27th day of March, 1888, John H. Mays and Patrick Alsworth, who being first duly sworn, depose and testify as follows:

We were both intimately acquainted with J. F. Exending, deceased Knew him in Galena, Cherokee County, Kansas, since 1882 up to the time of his death in May, 1887. Knew him to be a man of good moral character, sound mind, good memory, and his reputation for truth and veracity was of the best. Considered him as an honest, straightforward, good, moral, upright man. We further certify that we are in no wise interested in this case, and we are not interested in its prosecution.

WITNESS:
S. L. Manlon.

John H. Mays,
Patrick Alsworth.

Sworn and subscribed to before me this 27th day of March, 1888, and I certify that the above witnesses personally appeared before me and made oath to above affidavit. They are not in any way related to claimant, and their statements are entitled to full credence.

S. L. Manlon,
Notary Public.

(SEAL)
Commission expires Sept. 2nd, 1891.

Copy.

STATE OF KANSAS,)
CHEROKEE COUNTY,)ss.

J. F. Exending, being first duly sworn on his oath, deposes and says:

My name is J. F. Exending. I reside at present in Jasper County

state of Missouri. My age is 78 years. I was born in Overton County, State of Tennessee, on Obayer Creek, January 4th, 1805, and was well acquainted with James Smith, who was called by the Cherokee Indians there, Buck Smith. I also knew his mother, whose maiden name was Nancy Ann Shoemake, and her fathers name was Sawyers Smith, and they were both Cherokee Indians. They had three children whose names were Buck or James, Nancy, and Jordan Smith. Buck or James Smith married Polly Exendine, who was my sister. They had children whose names were Harvey, Lucinda, Martha, John, Emily, Mary, Charity, and Rosey. Lucinda Smith was married twice. Her children are both of her husband's. Her first child was named Margaret who married Richard Puffer. Lucinda Jane married George Brown. She had five other children named James, Ervin, William, Wayde, Kirkham, Louisa, and Sarah. The last five bear the name of M. Darold, and all of the children were Cherokee Indians by blood, descendants of Lucinda Smith.

I know the above facts from my own personal knowledge.

Witness my hand this the 9th day of December, 1881.

Witness his mark, J. F. Exendine, x his mark.
A. E. Roberts,
Ida J. Atkins.

Sworn and subscribed to before me by J. F. Exendine this 9th day of December, A. D. 1881.

W. M. Matheny,
(seal.) Notary Public.

My commission as Notary Public was issued Oct. 6th, 1881 and expires Oct. 6th, 1885.

W. M. Matheny.

I certify that J. F. Exendine above named, is of sound mind and good memory.

W. M. Matheny,
Notary Public.

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Copy.

Affidavit of Wilson Sanders used in the J. D. Shoemake case before the "Speers Commission."

OFFICE COMMISSION ON CITIZENSHIP.

TAHLEQUAH, C. N.

IN CASE OF J. D.)
SHOEMAKE AND W. C.)
SHOEMAKE,)
vs.)
THE CHEROKEE NATION.)

WILSON SANDERS BEING introduced and sworn in open court states as follows:

My age is 43 years. I reside in Tahlequah, C. N. My Post office address is Tahlequah.

I was solicitor of the Citizenship Commission at the time W. H. and John W. Shoemake were admitted to citizenship. Tom Tehee, president, Alex Wolf, Tam Thompson composed the Commission on Citizenship.

They were rejected first by the Commission and afterwards admitted. They were admitted during the same term that rejected them. If I'm not mistaken. I can't state just how long afterwards. I can't remember what the grounds was that the Commission gave them hearing. I don't think they notified me of the fact that they were going to reconsider the case again. There was no more evidence produced in the case after I submitted it the first time. They did not ask me to resubmit the case again on the part of the Nation. They just said they were going to re-consider the case again. There were no arguments made in the case after it was taken up the second time. It was on the 25th day of January that the case was decided. There was evidence introduced in the case after the first time. The first decision made by the Commission was adverse to the claimants.

I heard that they were to re-consider the case. They didn't ask me to introduce any more evidence. It was about two weeks or so after the claimants was rejected when their case was re-considered and they were admitted.

Wilson Sanders.

Sworn and subscribed before me on this the 29/84.

C. O. Frye,
Com Cit.

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Copy.

Affidavit of Judge Rily Keys, used in the case when before the "Spear's Commission."

COMMISSION ON CITIZENSHIP.

TAHLEQUAH, C. N.

Sep. 14th, 1882.

W. H. Shoemake, et al.,)
and John W.)
vs.) Sept. 14th, 1882.
Cherokee Nation.)

Judy Riley Keys, the first witness on the part of the Cherokee Nation after being duly sworn testifies:

I am sixty-seven years old. I am a citizen of the Cherokee Nation. Live in Tahlequah. Occupation, a farmer.

Q. Sol. Do you know anything about the Shoemake family.

The first time I saw him was last March, two years ago. He told me that his name was Shoemake. That was the first time I had seen him. Though I have of the Shoemake almost as far back as I can recollect. I have heard the old folks talking of them. I have heard my father and other old men speaking of them, and that they had claimed to be Cherokees, but had never been acknowledged as such, as claiming to be Cherokees.

—Sol. Do you know a woman by the name of Anna Shoemake?
No, I do not.

Objected to by defense, C.R.Taylor.

Did the old folks say of what tribe they were?

A. They say they were Kitoba.

Taylor: The statement that you have made here is from what you have heard only, is it?

Yes, but I believe it to be true, as it was from good men.

—Sol. Why did the old folks speak, or what was the occasion for speaking of these folks?

Because they were claiming a right, I suppose.

—Ct. I heard the old people speak of these folks both in the old country and in this country.

Riley K vs.

In conversation with Jo Foreman he told me that the Shoemakes and Oxendynes had claimed to be Cherokees for a long time, but had never been recognized to be such by the Cherokee people. From my opinion they have not a shadow of right to citizenship. (Objected to.)

The Court strikes out the witness opinion that the claimants have not a shadow of a right to citizenship.

Sol. Did you know the given names of these Shoemakes?

No, I did not know their given names, but had only heard them spoken of as Shoemakes and Oxendynes.

Sol. From what part of the old Nation did you come?

A. From Creek Path, North of Alabama.

Sol. Did you know the creek in that Country called Cross Creek?

The defense moves that the witness' opinion be struck out.

Yes, I have been there- Sam Keyes live there.

Sol. Did a family live on that creek by the name of Shoemake?

A. It is my belief that there was. I have heard father speak of them often.

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OFFICE COMMISSION ON CITIZENSHIP.

TAHLEQUAH, C. N.

Hon. D. W. Bushyhead,

Principal Chief, C. N.

Report of Spears' Commission in this case.

Dear Sir:

In the case of W. C. Shoemake, et al, vs. Cherokee Nation, petitioners for citizenship in the Cherokee Nation, W. C. Shoemake claims to be the son of W. H. Shoemake, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Tehee Commission, on the 25th day of January, 1885. And J. D. Shoemake, et al., who claim to be the son of Betsy Ann Shoemake, who was a full sister to J. W. Shoemake and W. H. Shoemake, who were admitted to citizenship in the Cherokee Nation by the Thomas Tehee Commission, on the 25th day of January, 1885.

The Commission, after a careful examination of the evidence in the said case of W. C. Shoemake and J. D. Shoemake, decide that inasmuch as the Docket and Records of the said Thomas Tehee Commission show that the said J. W. Shoemake and W. C. Shoemake were admitted to all the rights, privileges, and immunities as other native born Cherokees within the limits of the Cherokee Nation, on

the 25th day of January, 1883.

The Commission finding the above mentioned cases of J. D. and W. C. Shoemake upon the said records of the said Tahee Court or Commission, as above stated, could not legally decide to reject the said cases of W. C. Shoemake, et al, and J. D. Shoemake, et al.

But at the same time, believing that the said W. C. Shoemake, et al, and J. D. Shoemake, et al, are not Cherokees by blood, and that the said J. D. and W. C. Shoemake whose respective cases were decided by the Thomas Tahee Commission on the date above mentioned, was a fraud committed upon the Nation by the said parties; we would therefore ask and recommend that the said cases of J. W. and W. H. Shoemake be reinvestigated by the National Council, believing that the said J. W. and W. H. Shoemake obtained their rights through fraud.

We would also refer the cases of W. C. Shoemake, et al, and J. D. Shoemake, et al, to the National Council.

We remain very respectfully,

Attest:
C. O. Fryo,
Clk. Com.

Eli Spears, President.
Andrew Young, Com.
John Lee, Com.

This the 27th day of September, 1884.

EXECUTIVE DEPARTMENT OF

CHEROKEE NATION.

I , John L. Adair, Executive Secretary of the Cherokee Nation do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct transcripts and copies therefrom.

In witness hereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this the 21st day of September, 1896.

(SEAL)

John L. Adair,
Executive Secretary.

Counsel for the Cherokee Nation here offer in evidence page 39 of the Docket of the Commission of Citizenship known as the Tahee Court, which contains the original judgment admitting W. H. Shoemake and which, by inspection, shows that the last five and one-half lines of the said judgment have been erased as originally written, and that the present judgment was re-written over said erasure, corroborating the statement of Wilson Sanders, that the Court reconsidered, for some inexplicable reason, its first judgment of rejection, and afterwards entered one for re-admission.

Hutchings, Hastings & Boudinot.
Attys. for C. N.

In the matter of J. D. Shoemake, applicant for citizenship, D. W. Bushyhead being introduced and sworn states as follows: My age is _____ years. I reside in Tahlequah and my P. O. address is Tahlequah. I never knew any Shoemakes that were Cherokees by blood. I know a lot of Shoemakes that lived in Cal. They went from

Scott Co. Ark., to California, and in that country they claimed to be Cherokees, but they were darkeys. They claimed to be Cherokees among the white people there who didn't know them, but to me they did not claim it because I knew them. There were Shoemakes who made application in 1840 or 41 for citizenship, and were rejected, and moved back into Arkansas. There were two families Oxendines and Shoemakes, who claimed to be Cherokees, but their hair was kinky, and at that time they, I understand that there was a law in Arkansas that no free negroes could live in Arkansas and they moved to California. John Ross was Chief of the Cherokee Nation at that time they made their application, and if I'm not certain my recollection is Mr. Ross was Clerk of the Commission, and they were rejected by Council out of the Country. It was before the Council that they were rejected. As well as I remember there was twenty or thirty of the two families who claimed to be Cherokees, when I knew them in California. And if the Court wishes I can get the affidavit of a man who was a member of the Committee when they were rejected.

D. W. BUSHYHEAD.

Sworn and subscribed before me this the 21 day of September, 1896

(SEAL)

D. J. Ball,
Notary Public.

UNITED STATES OF AMERICA,)
THE INDIAN TERRITORY.)

A F F I D A V I T.

Personally appeared before the undersigned, John L. Adair, a citizen of the Cherokee Nation, resident of Tahlequah, I. T., who, on his oath states that Wilson Sanders and Judge Riley Keys, copies of whose affidavits are attached to the proceedings in this case of James D. Shoemake, are both dead.

John L. Adair.

Subscribed and sworn to before me this the 21st day of September, A. D. 1896.

L. J. Ball,
Notary Public.

My commission expires_____

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, and A. B. Montgomery, Commissioners.

In the matter of application of
James D. Shoemake.
for citizenship in the Cherokee Nation.

Nation's No. 3145.
Commission's No.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof, says:

1st. This Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not states facts, sufficient, if true, to show that the applicant is entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that Anna Shoemake through whom the petitioner claims to derive his right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither she nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Respondent, for a further and complete defense to the foregoing Application says: That heretofore, said applicant made application before a legally constituted Court or Commission on citizenship, having jurisdiction over applications for re-admission to citizenship in the Cherokee Nation. That the said case was tried upon its merits, that upon a final hearing, judgment was duly given against the applicant and in favor of this Nation, Oct. 25, 1888. A duly certified transcript of the aforesaid proceedings and judgment are annexed hereto and made a part of this answer.

Having fully answered, your respondent asks to be hence dismissed.

S. H. MAYES, Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair.

Subscribed and sworn to before me this, the 22 day of Sept. 1896.

D. J. Ball,
(SEAL) Notary Public.

Endorsements as follows:

Nation's No. 3145.
Commission's No.
In re Application of
James D. Shoemake
et al.

Demurrer and Answer.
Filed Sept. 22, 1896.
A. S. McKennon,
Com'r.

MR. HUTCHINGS: We also introduce the judgments of the Commission in the said cases 3161, 3162, 3163, 3164 and 3165, found on the following pages of the Commission's records:

No. 3161, James D. Shoemake, vs. Cherokee Nation, filed September 4, 1896; answer filed, application denied, Vinita, I. T. October 16, 1896, page 30.

The record is as follows:

3161 James D. Shoemake, vs. Cherokee Nation.	Filed, Sept. 4, 1896. Answer Filed. Application denied. W.F.Seaver, Atty. Muscogee, I. T.

No. 3162, Mary J. Shoemake, vs. Cherokee Nation, filed September 4, 1896. Answer filed. Application denied. Vinita, I. T., October 16, 1896., page 30.

The record is as follows:

3162. Mary J. Shoemake, vs. Cherokee Nation.	Filed Sept. 4, 1896. Answer filed. Application denied. See 3161.

No. 3163, George W. Shoemake, vs. Cherokee Nation. Filed September 4, 1896. Answer filed. Application denied. Vinita Indian Territory, October 16, 1896.

The record is as follows:

3163 George W. Shoemake, vs. Cherokee Nation.	Filed Sept. 4, 1896. Answer filed. Application denied. See 3162.

No. 3164, James P. Shoemake, vs. Cherokee Nation. Filed September 4, 1896. Answer filed. Application denied. Vinita, Indian Territory, October 10, 1896.

The record is as follows:

3164 James P. Shoemaker vs. Cherokee Nation.	Filed Sept. 4, 1896. Answer filed. Application denied. See 3162.

No. 3165, Lula B. Shoemaker and Eddie Cole Shoemaker, by their next friend, W. H. Shoemaker, vs. Cherokee Nation, Filed September 4, 1896. Answer filed. Application denied, Vinita, I. T., October 10, 1896.

The record is as follows:

3165 Lula B. Shoemaker and Eddie Cole Shoemaker, by their next friend, W. H. Shoemaker, vs. Cherokee Nation.	Filed Sept. 4, 1896. Answer filed. Application denied. See 3162.

The record in the above case fails to disclose that any appeal was taken from the decision of the Commission.

JUDGE THOMAS: We object to the introduction of these records on the ground that they are in no way responsive to the issues in this case; that they are records made without his consent; that they are made eight years after the judgment admitting them to citizenship in the Cherokee Nation by the Tehee Commission; and for other objections.

BY COMMISSION: The objection of the attorney for the applicant will be noted, the records introduced, and considered for what they are worth.

JUDGE THOMAS: We except to the ruling of the Commission.

The hearing of the case was then continued to 1:30 P. M. of this date.

At 1:30 P. M., same date, the following proceedings came on.

MR. HUTCHINGS: The Nation says they are ready for the present. But we do not want to close the case because we expect to have additional testimony.

JUDGE THOMAS: We object to any continuance of the case, on the ground that there has been nothing shown outside of the testimony which is even calculated to cast suspicion upon this case.

WILLIAM H. SHOEMAKE, being first duly sworn, testified as follows:

JUDGE THOMAS: State your name, age and residence.
A. William H. Shoemake, I live seven miles south of Tahlequah, Canadian District.
Q. Your age? A. Seventy-seven years old.
Q. Are you the applicant for admission to Cherokee citizenship in this proceeding? A. I am one of them.
Q. Did you make application for admission in the Cherokee Nation in January, 1883?
A. No, I don't think I did. I made application before 1880, some time, I don't recollect what time, exactly.
Q. Did you prosecute that application, or was it subsequently withdrawn? A. The first application was withdrawn.
Q. Then you filed an amended and supplemental application, and the case was reinstated? A. Yes sir.
Q. When was that? A. I don't recollect just what year.
Q. About what year? A. In 1882, I think it was.
Q. January 4, 1882. You were admitted to citizenship in the Cherokee Nation, were you, by the Commission composed of Tolson, Wolfe and Thompson? A. Yes, sir, I have got a certificate to that effect.
Q. State whether or not you enjoyed the rights of citizenship in the Cherokee Nation, from that time up to now?
A. Up until the 14th of last August, one year ago. I am still enjoying them.
Q. But that is when it was called in question? A. Yes sir.
Q. In prosecuting your claim for citizenship in the Cherokee Nation, did you, either directly or indirectly, offer the Commission any consideration, any money, or property or anything else, for being admitted as a Cherokee citizen? A. Not at all, nothing, not a cent.
Q. Did you by any unfair means attempt to get on? A. I did not, sir.
Q. Did you approach any of the Commission, or any officer connected with it? A. No sir.
Q. Did you offer anyone else a reward for your being admitted to Cherokee citizenship? A. No sir, I never did the least thing, anything like it.
Q. Do you know of anything of the kind being done? A. No sir.
Q. Ever hear of its being done? A. I did not.
Q. Have you held any office in the Cherokee Nation after your admission as a Cherokee citizen? A. Yes sir.
Q. What was it? A. I was elected Circuit Judge of Canadian District, and held the office for four years.
Q. Did you try any case in your Court during the four years?
A. Yes sir.
Q. Cases involving property rights? A. Yes sir.

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Q. Other financial considerations? A. Yes sir.
Q. Who were those trials between, citizens of the Nation?
A. Citizens of the Cherokee Nation of all the different districts.
Q. You held court in the different districts? A. Only in Canadian.
Q. You held court in the different places in the circuit?
A. No sir, just one place, just in one district. Canadian District. I held court at the court house in Canadian District.
Q. Were you present at the time the Commission decided your case?
A. No sir.
Q. Where were you? A. At home.
Q. Who was your attorney? A. Campbell Taylor.
Q. Have you spoken to anyone else in connection with the case?
A. I have talked a little to Mr. Benge, but never made any proposition.
Q. Did you ever pay him any money? A. Never did.
Q. Did you give him any authority to look into the case?
A. I told him to go and examine the case.
Q. Was he a practicing attorney at that time? A. No sir.
Q. As an attorney before the Commission? A. I don't think he was.
Q. Did you authorize him to offer any corrupt consideration or any consideration, for favorable action in your case?
A. No sir, not a cent.
Q. How did you learn that you had been admitted to citizenship?
A. Mr. Campbell Taylor sent a man down to my house, and notified me that the Commission had admitted me to citizenship, and asked me to go up and identify my children. They had no evidence or proof that the children were Cherokee.
Q. Did you identify your children? A. Yes sir.
Q. Are you a Cherokee by blood? A. I am. I am so recognized by those that know.

MR. HUTCHINGS: He was your attorney when you made the application and it was withdrawn? A. Mr. Taylor was, that is all the attorney I had.
Q. Didn't Mr. Taylor's connection with the case cease after that?
A. Not until after I was notified that I was admitted.
Q. Were you ever notified that you were rejected?
A. Yes sir, I think I was.
Q. Who notified you? A. I think Taylor wrote me a letter.
Q. Did you go to Tahlequah between the date of your rejection and the date of the reinstatement of your case, and the decision in yourfavor?
A. Yes, I think I did between the two dates.
Q. Are you certain of that? A. Yes. I think I was there between the two dates.
Q. Who did you talk with while you were there?
A. With Mr. Benge and with others. I don't know who all. I talked with Benge about what he had heard.
Q. How many days intervened between the time you were denied and the time you were afterwards admitted?
A. Must have been some time, I could not tell you, a month or two I reckon before I was notified.
Q. A month or two before you were notified? A. I think so. I would not be positive. It might have been two years, I can't recollect.
Q. You were not present, then, at the rendition of either of the judgments, for or against you? A. No sir, I was not. I left the business with Mr. Taylor.
Q. Did you instruct Mr. Taylor, anything about how to get you in

here? A. No sir, I went to see him, and thought the Commission was prejudiced against me, and evidence we had.
Q. You discharged him then? A. I didn't discharge him at all. I afterwards told him to take a certified copy of the evidence, I think, as well as I recollect, I told him I would appeal to the Secretary of the Interior, that is my recollection.
Q. You did not authorize him to take any further steps before the Commission.
A. I never told him to go on, I told him to stop.
Q. You just let him alone? A. I employed Taylor in the start. and agreed to pay him for his work, and Mr. Taylor worked for me.
Q. Then , If I understand you, you never authorized anybody to, file a motion for a rehearing before the Commission?
A. I expect I did, but do not recollect it, it was so long ago.
Q. If you authorized anybody it was Taylor?
A. If I authorized anybody it was Taylor, but I do not recollect whether I did or not. I am certain I told him to get a certificate, get a certified copy of the evidence, but I don't think I discharged him at all.
Q. You don't know whether Taylor was there when either of the judgments were rendered? A. I don't know anything about that. for I was not there. My recollection is that I did not discharge Taylor at all.

Q. JUDGE THOMAS: Did you authorize your attorney to do what ever was necessary and proper in your case?
A. He was to work for me and get my certificate.
Q. You had employed him? A. Yes sir, for a certain amount.
Q. In your answer there that you stated you had employed him to get your certificate, what did you mean.
Q. I employed Taylor, and give him a hundred dollars, if he would get me a certificate of citizenship. I would give him a hundred dollars when he had it.
Q. You would give him a contingent fee, that is what you mean?
A. Yes sir.

THOMAS F. THOMPSON, being first duly sworn, and being examined, testified as follows:
JUDGE THOMAS: State your name? A. Thomas F. Thompson.
Q. You were a member of the Tehee Commission, Cherokee Nation, for the investigation of applications for Cherokee citizenship?
A. Yes sir.
Q. You remember the application of William H. and John W. Shoemake before that Commission?
A. Yes sir, I remember them being before the Commission.
Q. I wish you would state to the Commissioner whether or not there was offered to you, or you received, by either of the applicants, or their attorney, or anyone else, any money or other consideration for favorable action in this case? A. No sir.
Q. Were there any improper means employed to induce you to render a favorable judgment in that case? A. No sir, none at all.
Q. Will you look at this record, is that your signature? A. No sir.
Q. Was it signed by your authority? A. I suppose it was, I think it was.
Q. What was your custom with reference to signing these judgments? this is the case, you see, of W. H. and John W. Shoemake against the Cherokee Nation. Does that properly represent theaction of the Commission? A. Yes sir.
Q. Is that a proper and legal judgment? A. Yes sir.
Q. Was it rendered, was it tried legally, on legal evidence, before you, and without any improper motive? A. I think so.

Q. Was this the proper judgment of the Commission? A.. Yes sir.
Q. Do you know whether Tehee and Wolfe are living or dead?
A. I understand both of them are dead.
MR. HUTCHINGS: Mr. Thompson, did you ever see that judgment before? A. Yes sir, I think I have.
Q. When? A. Just after it was rendered.
Q. Did you ever see the first judgment rendered in that case?
A. No sir.
Q. Do you know whether any was rendered or not? A. No sir.
Q. Don't you know that these people were denied citizenship, and a judgment entered denying them? A. No sir, not that I remember of.
Q. Did you ever see such a judgment? A. No sir, not that I remember of.
Q. Did you notice that five lines of the judgment had been scratched and rewritten, that the judgment denying them was written there first? A. I don't remember.
Q. Can't you see it was with the naked eye. Do you see there it is scratched? A. Yes sir.
Q. Do you see where this name had been previously signed?
A. That is not my signature, but I must have authorized it.
Q. Then you were present you always signed it yourself? A. Yes sir.
Q. And that you could not have been there or else you would have signed it yourself? That judgment was written up there, and you signed it, denying these people citizenship, and you signed your name to it, and it was afterwards scratched out, as written by yourself, and then written by Mr. Duncan.
A. That may have been, I could not say.
Q. You have no personal recollection about that, except what you see in the book anyway? A. No sir.
JUDGE THOMAS: You mean that you have no personal recollection of the verbiage or the appearance of the book, of the judgment?
A. That is it.
Q. You have some recollection of what was involved in the case?
A. Yes sir.
Q. Does this judgment as it stands now, represent the judgment as found by the Commission? A. Yes sir, I think so.
Q. The final judgment? A. Yes sir.
Q. Do you remember that they were admitted to citizenship?
A. Yes sir, that has always been my belief.
Q. You know? A. Yes sir.
MR. HUTCHINGS: Don't you know that they were rejected?
A. I don't remember.
Q. Do you remember that paper being filed before you as a court, moving to reconsider your first decision?
A. Yes sir, that has been up for consideration.
Q. Isn't it a fact that the judgment rendered when you were present was the one in which he was denied, and that you were not present at all when this last decision was made?
A. I must have been, but I am under the impression that I was.
Q. Run through that book, and let me show you how many times you have signed judgments. On page 43, is that your signature.
A. Yes sir.
Q. On page 54? That is mine.
Q. On page 58? That is not my signature.
Q. It was signed by Mr, Duncan because you were absent? A. Yes sir.
Q. Page 62. A. That is mine.
Q. You dissented there? A. Yes sir.
Q. On page 63: ~~That is not mine, I don't believe.~~
Q. Do you have any recollection of authorizing anybody to sign your name to it? A. No sir, I do not.
Q. Was there any reason in the world, when you were present presiding in a case, why you did not sign your own name?

A. No, I don't know asthere was. I may have authorized it, but I don't remember. I almost always signed it if I was there.
Q. On page 67, that is not your signature, is it? A. No sir.
Q. Signed by Mr. Duncan? A. Yes sir.
Q. Page 70, that is signed by Mr. Duncan also? A. Yes sir.
Q. Page 75 signed by Mr. Duncan? A. Yes sir.
Q. Page 76, who is that signed by? A. That is mine.
Q. Your own individually? A. Yes sir.
Q. Page 78? A. That is Mr. Duncan's.
Q. Page 81? A. That is Mr. Duncan's,
Q. Page 93? A. That is mine.
Q. Page 92? A. That is Mr. Duncan's.
Q. Then lower down on the same page, whose is that? A. That is mine.
Q. You have observed through that record, that you have signed a great many times yourself, and a great many times your name has been signed by Mr. Duncan. Have you an recollection as to the signatures other than furnished by the book itself? A. No sir, I don't remember.
Q. That is all the recollection you have to any of them is it, that you see them there in the book? A. Yes sir.

JUDGE THOMAS: The places where you have seen your name signed by the Clerk, was it done under your authority?
A. Yes sir, I think it was.

MR. HUTCHINGS: You have no personaly recollection about it?
A. No, it has been so long I don't remember about it particularly.
Q. The only reason you have for thinking so is just because you see it signed that way, isn't it?
A. I suppose it is. They were signed by my approval, or something of the kind.
Q. You have no recollection in the world? A. No sir, I cannot remember it.

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

JUDGE THOMAS: State your name? A. D. W. C. Duncan.
Q. Give your age and residence? A. Age 72, reside in Vinita, Cherokee Nation.
Q. You were the Clerk whose name appears in this record as D.W.C. Duncan? A. Yes sir.
Q. Were you the Clerk of the Tribal Commission of the Cherokee Nation? A. I am.
Q. Do you remember the case of W. H. Shoemake, page 39.
A. I remember the case.
Q. Have you looked at this judgment? A. Yes sir.
Q. Who recorded this judgment? A. I did.
Q. Does it properly represent the judgment of the Commission?
A. It does.
Q. Was there anything paid to you by either of the claimants, or their attorneys, or anybody else, in consideration of the judgment
A. Nothing at all.
Q. Did you see this motion for a rehearing in this case, in your hand writing? Did you write that?
A. I wrote it.
Q. At whose instance? A. I don't know who applied for it, but I wrote it for the party.
Q. Were you paid for writing that? A. No sir.
Q. Did you do that in any other case? A. I don't recollect, might have done so.
Q. I see the name there of T. F. Thompson signed to that. Do you know whose hand writing that is? A. That is in my own handwriting, as I remember it now.
Q. By whose authority was that signed?
A. By the authority of the respective Commissioners.

Q. I see many cases in this book, where the names of the Commissioners are signed in your hand writing. State whether or not you ever signed an order or decree in this court except by the authority of the Commission? A. Never did.
Q. Tell the Commissioner whether this is an honest, straightforward judgment, or not, based upon the evidence before the Commission? A. It is, to the best of my knowledge.
Q. Do you know of any unfair means, bribery, or misrepresentation employed in this case, for the purpose of securing favorable judgment? A. I do not.
Q. Did anyone offer you anything for participation in the case?
A. No sir.
Q. Did you receive anything, either from the applicant or from anyone else? A. No sir.
Q. Do you know of the Commissioners receiving anything? A. No sir.
Q. Did anyone ever offer to either of the Commissioners, any money, property, promises to pay for favorable consideration in this case? A. None that I know of.
Q. It is urged that part of this judgment has been erased, that there has something been written there and then erased and this written there. Explain that.
A. As to the erasure, I have no recollection, but I must have erased something apparently, but if it was erased it was to make the judgment in accord with the final decision of the court.
Q. Does it now represent the final judgment and finding of the Commission? A. It does.

MR. HUTCHINGS: What makes you think you were authorized to sign Mr. Thompson's name?
A. The Commission sat just across the desk at which I wrote, and whenever it came to sign the judgment, the judgment was read over carefully by myself, and each Commissioner severally authorized me to sign his name. That is, two of the Commissioners could not write, and they invariably authorized me to do it. Sometimes Mr. Thompson, the other Commissioner would sign his own name, and sometimes he would authorize me to do it. And that accounts for the variety of Mr. Thompson's signatures, some made by himself, and sometimes by the clerk
Q. Then you were mistaken this morning when you stated that Mr. Thompson always wrote his own name when he was present, and that signature right there is his?
A. I made that statement under the impression, and in view of the fact, that the Commission had authorized me to sign their names and I suppose that Mr. Thompson would sometimes sign his own name, when I saw that signature there I suspected that it was Judge Thompson's signature, and examined it more carefully, and I am convinced it is my signature.

JUDGE THOMAS: Your writing? A. Yes sir.

MR. HUTCHINGS: Isn't it patent from that judgment that something else had been written there and rubbed out and his name put there afterwards.
A. It appears that there was an erasure, but if there was an erasure and a new insertion made, it was in accord with the decision and will of the Commission.
Q. Have you any personal recollection that Mr. Thompson was present at all at the second hearing of the case?
A. My recollection does not serve me right on that point. All I can say in answer to that question is this, that his signature there convinces me that he was present and authorized me to sign his name.
Q. That is the only thing? A. Yes sir, the only particular fact.

Q. Was Mr. Campbell Taylor present when that judgment was rendered?
A. I don't know.
Q. Was he present when either of the judgments were rendered?
A. I don't know, I don't recollect.
Q. Was he present when the motion for rehearing was made by you and filed? A. The motion for rehearing was not made by him.
Q. It was written by you?
A. It was written by me. Whether Mr. Taylor requested me to do the writing, or whether it was some one of the claimants present, I am not able to say who it was. All I know about it, I did the writing.
Q. Have you a recollection of the fact of the erasure? You remember that there was an adverse judgment rendered against him?
A. I have been trying to recollect, but I can't recollect distinctly. Really, I can't, as a matter of fact, I cannot really understand that erasure there. I suppose I must have done it, but the facts in connection with it I cannot recall
Q. Don't you see the "and" that above it was written the word "blood" apparently showing that the finding was that they were not Cherokees by blood? A. Is there the loop of the letter "l?"
A. There is a broken letter there.

The attorneys for the Nation here, in view of the evidence offered, ask that the Commission consider the affidavit of S. H. Benge herein filed, and move for the privilege at some future day convenient to the Commission and the attorneys on the respective sides, for the right to examine before the Commission, either at Muskogee, if the witness is able to attend, or at Fort Gibson if he is not, and have his testimony taken as the testimony of other witnesses are taken before the Commission.

JUDGE THOMAS: To this application the claimant enters protest and objection, on the ground that the affidavit of S. H. Benge upon which the application is beased, does not show the proposed evidence to be competent legal evidence, and would not be admissible even if the witness were present; and for the further reason that this case was set down for trial on the docket and the applicant had no notice of the application for a continuance or for leave to take this testimony in this extraordinary way, at the time of their announcement of the trial.

BY COMMISSION. The motion of the attorney for the Cherokee Nation for continuance in this case will be taken under advisement, and the attorneys for the applicants, as well as the attorneys for the Cherokee Nation, will be notified of the decision as soon as a decision is arrived at.

This testimony will be filed with and made a part of the record in the following cases: Nos. 205, 279, 463, 1162, 1055, 1058, 1064, 1065, 1071, 1163, 1164, 1157, 1158, 1159, 1160, 1161, 178, 121, and the case at bar, being No. 126

BY COMMISSION: In the case of John W. Shoemake and others, the attorneys of the Cherokee Nation present what purports to be the original of a motion made to the Commission on citizenship of the Cherokee Nation on January 12, 1883, to reconsider the case of John W. Shoemake and W. H. Shoemake, and signed by S. H. Benge and C. H. Taylor, attorneys for claimants. It is alleged and not disputed that S. H. Benge did not sign this motion, and that he was not an attorney in that case. Now this morning counsel for the Cherokee Nation desired a postponement of this case in order that they right take the testimony of S. H. Benge, but the grounds upon which they

made their request this morning were immaterial, and the postponement was not granted. The present development, in connection with other circumstances of a general character, is more material, and the Commission itself desires the testimony of S. H. Benge in this case. An order has just been given for an official of the Commission to proceed to Fort Gibson tomorrow morning at 8:30 for the purpose of taking the testimony of S. H. Benge, who is old and a confirmed invalid and unable to leave his house, and it is directed that his testimony be taken in this case at the same time. This case will be continued through tomorrow. W. H. Shoemake, who is present, and also the attorneys upon both sides will be duly notified, and are now verbally notified of this order.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(Signed) Wm. Hutchinson.

The continuation of this testimony in this case taken by Stenographer J. S. Rosson.

I, Arthur G. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur G. Evans

Subscribed and sworn to before me this 5th day of January, 1903.

Charles Hetzenger

Notary Public.

COPY

C.F.B.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sirena P. Shoemake et al. as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:-

Sirena P. Shoemake	Cherokee R 63
Elizabeth Shoemake	Cherokee R 62
Charles P. Clark	Cherokee D 205
Clara Shoemake	Cherokee D 279
Nancy Shoemake	Cherokee D 1071
William A. Hensley	Cherokee D 1092
Laura Shoemake	Cherokee D 1157
Annie Shoemake	Cherokee D 1158
Mollie F. Shoemake	Cherokee D 1159

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens by intermarriage of the Cherokee Nation were made to the Commission to the Five Civilized Tribes for Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, William A. Hensley, Laura Shoemake, Annie Shoemake and Mollie F. Shoemake.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sirena P. Shoemake, was married in 1865, to William H. Shoemake, who was not at the time of said marriage a citizen of the Cherokee Nation, and did not become such until the date of his admission to citizenship in said Nation in 1883; that the said Elizabeth Shoemake was married about the year 1870 to James H. Shoemake, who was not at that time a citizen of the Cherokee Nation; and who did not become such until his admission to Cherokee citizenship in 1883; that the said Charles P. Clark was married in the year 1888 or 1889 to one Sophia Sheraff, a citizen by blood of the Cherokee Nation; that the said Clara Shoemake married, in the year 1890, one James Shoemake, a citizen by blood of the Cherokee Nation; that the said Nancy Shoemake married, in the year 1887, one Harmon A. Shoemake, a citizen by blood of the Cherokee Nation; that the said William A. Hensley married, in the year 1895, one Minnie Shoemake, a citizen by blood of the Cherokee Nation; that the said Laura Shoemake, in the year 1887, married one Jesse E. Shoemake, a citizen by blood of the Cherokee Nation; that the said Annie Shoemake married, in the year 1893, one Charles Franklin Shoemake, a citizen by blood of the Cherokee

Nation; that the said Mollie F. Shoemake was married in the year 1891 to one Richard W. Shoemake, a citizen by blood of the Cherokee Nation. The evidence further shows that all of the applicants herein are white persons, and neither claim nor possess any right to enrollment as citizens of the Cherokee Nation except by virtue of said marriages. None of said applicants can be identified on the Cherokee authenticated tribal roll of 1880.

In view of the foregoing it is considered that none of the applicants herein were married in accordance with Cherokee law to recognized citizens by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the case of Daniel Red Bird et al vs the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, William A. Hensley, Laura Shoemake, Annie Shoemake and Mollie F. Shoemake are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory,
this January 10, 1907.

Cherokee D-123, et al.,

Muskogee, Indian Territory, November 30, 1903.

Thomas & Harrison,

Attorneys for William H. Shoemake et al.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of William H. Shoemake, et al., together with a copy of the Commission's decision, dated November 16 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie B., Effie, William [illegible], Georgia A., Clem and Pigeon Shoemake, Bessie E. and Susie Clark, James, John W., William A., Grace L., and James N. Shoemake, Thomas E. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, William L. Collins, Harmon A., Rose Anna, James W., Noah H., Mattie M., Renie L. and Ella Shoemake, Winnie M., William W., Angie M. and Della C. Hensley, Jesse H., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie F., Bobbie, Walter, Cherokee G., Mary A., Richard W., Ada, Ira and Thomas H. Shoemake, Rhoda W. Brannum, Hugh A. and Alta L. Shoemake and Joseph W. King, as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mattie R. Clark as a citizen

by blood of said Nation, she having died August 26, 1902.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has heretofore been furnished the principal applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

refer in reply to the following:
Land: 78202-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan'y 19, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of William H. Shoemake, for the enrollment of himself and his minor children Lula B. and Mary E. Shoemake, as citizens by blood, and for the enrollment of his wife Sirena P. Shoemake, as a citizen by intermarriage; of John W. Shoemake, for the enrollment of himself and his minor children Calvin B., Luda G., Claude, Maud, Maggie M. and Effie Shoemake, as citizens by blood, and for the enrollment of hiswife, Elizabeth Shoemake, as a citizen by intermarriage; of William M. Shoemake for the enrollment of himself and his minor children Georgia A. and Clem Shoemake, as citizens by blood; of Charles P. Clark, for the enrollment of himself as a citizen by intermarriage, and for his wife Mattie B. Clark, and his minor child, Bessie R. Clark, as citizens by blood; of James Shoemake for the enrollment of himself and his minor children, John W., William A., and Grace L. Shoemake, as citizens by blood, and for his wife Clara Shoemake, as a citizen by intermarriage; of Tillman A. Collins

for the enrollment of his minor son, Thomas E. Collins, as a citizen by blood; of Lemuel Garrett, for the enrollment of his wife, Mary J. Garrett, and his two minor children Gracie D., and Ellis M. Garrett, as citizens by blood; of William L. Collins for the enrollment of himself as a citizen by blood; of Harmon A. Shoemake, for the enrollment of himself and his minor children, Rose Anna, James W., Noah H., Mattie M., Roxie L., and Ella Shoemake, as citizens by blood, and for the enrollment of his wife, Nancy Shoemake, as a citizen by intermarriage; of William A. Hensley, for the enrollment of his wife, Minnie M. Hensley, and his minor children, William W., and Angie M. Hensley, as citizens by blood, and for the enrollment of himself as a citizen by intermarriage; of Jesse E. Shoemake for the enrollment of himself and his minor children, Oscar, Maud, Hugh, Walsie L., Della, Winna and Grace Shoemake, as citizens by blood and for the enrollment of his wife, Laura Shoemake as a citizen by intermarriage; of Charles T. Shoemake, for the enrollment of himself and his minor children Minnie M., Bobbie, walter and Cherokee G. Shoemake, as citizens by blood , and for the enrollment of his wife, Annie Shoemake, as a citizen by intermarriage; of Richard . Shoemake, for himself and his minor children, Ada and Ira Shoemake, as citizens by blood, and for the enrollment of his wife, Mollie F. Shoemake, by intermarriage; of Thomas H. Shoemake, for the enrollment of himself as a citizen by blood; of Christopher C. Branum, for the enrollment of his wife, Rheda M. Branum, as a citizen by blood;

of Hugh A. Shoemake, for the enrollment of himself among others as a citizen by blood; of Verda A. Young, for the enrollment of her minor child Alta M. Shoemake, as a citizen by blood, and of William M. Shoemake, for the enrollment of Joseph A. King, as a citizen by blood; all of the Cherokee Nation.

On November 16, 1903, the Commission rendered a decision in this case in which it is set out that the status of the claimants to the right to enrollment as Cherokee citizens by intermarriage is not fixed at this time, and therefore the applicants, Sirena P. Shoemake, as wife of William M. Shoemake, Elizabeth Shoemake, as wife of John W. Shoemake, Charles P. Clark, as the husband of Mattie B. Clark, Clara Shoemake, as the wife of James Shoemake, Nancy Shoemake, as the wife of Harmon A. Shoemake, William A. Henaley as the husband of Minnie M. Henaley, Laura Shoemake, as the wife of Jesse E. Shoemake, Annie Shoemake, as the wife of Charles P. Shoemake, and Mellie F. Shoemake, as the wife of Richard F. Shoemake, are not embraced in this decision.

It is further stated by the Commission in said decision that subsequent to the date of the orgginal application of William M. Shoemake, an affidavit was filed showing the birth of his minor child, Pigeon Shoemake, and that the same is made a part of the record herein, that in the application of Charles P. Clark, for the enrollment of himself among others, the other parties except his wife, Mattie P. Clark, and his minor child, Bessie E. Clark, are differently classed and are not embraced in this decision, that

subsequent to the date of the original application of Charles P. Clark an affidavit was filed showing the birth of his minor child, Susie Clark, and the same is made a part of the record; that subsequent to the application filed by James Shoemake, et. al., an affidavit was filed showing the birth of James N. Shoemake, a fourth child of the applicant, and the same is made a part of the record, that subsequent to the date of the original application of Lemuel Garrett, et. al., an affidavit was filed showing the birth of Tillie W.J. Garrett, a third child of the applicant, the same being made a part of the record herein; that subsequent to the date of the original application of Wm A. Hensley, an affidavit was filed showing the birth of Della F. Hensley, a third child of the applicant, the same being made a part of the record; that subsequent to the date of the original application of Charles W. Shoemake, an affidavit was filed showing the birth of Mary I. Shoemake, a fifth child of the applicant, the same being made a part of the record. The decision further states that the other parties to the application of Hugh A. Shoemake are differently classed and are not embraced in said decision.

The Commission finds from the evidence submitted in this case that the applicants Mary A. Shoemake and John F. Shoemake were admitted to citizenship in the Cherokee Nation on January 27, 1893, by duly constituted Cherokee commission on citizenship known as the Tochee Commission; that the applicants Lula M. Shoemake, Mary A. Shoemake, Calvin N. Shoemake, William M.

Shoemake, Nattie B. Clark, (nee Shoemake), James Shoemake, Harmon A. Shoemake, Minnie N. Hensley, (nee Shoemake), Jesse E. Shoemake, Charles F. Shoemake, Richard W. Shoemake, Thomas S. Shoemake, Rhoda M. Branum, (nee Shoemake) and Hugh A. Shoemake, were admitted to Cherokee citizenship by said Commission on January 30, 1893; and that Thomas E. Collins, Mary J. Garrett and William L. Collins, were admitted to Cherokee citizenship by said Commission on September 11, 1893; that all the other applicants embraced in said decision were born since 1893 and are the respective descendants of the persons admitted to citizenship as aforesaid.

The Commission then holds that under the ruling announced by the Department in the case of Arthur J. Mills, et. al., (I.T.D. 3028-1903), said descendants being residents of the Cherokee Nation are considered to have inherited the status of their said ancestors.

The Commission then [illegible] the evidence in this case at some length, and discusses the question of the validity of the judgment of July 30, 1883, [illegible] authorities and especially of the Treaty of [illegible], wherein freedmen are admitted to citizenship in the Nation. The claim that the Tribal judgment of January 30, 1883, admitting the said William M. and John W. Shoemake, was a fraudulent judgment, is then discussed by the Commission in its said decision, and they say relative thereto that "After a careful consideration of all the evidence herein this Commission is of the opinion that the same fails to show that the judgment of

the Teehee Commission returned January 25, 1883, is fraudulent, and therefore said judgment, togetgether with the judgments of the same Commission rendered January 30, 1883, and September 11, 1883, must be accepted as the valid and final judgments of a Cherokee tribunal of competent jurisdiction."

Said Commission further recites the fact that the applicants' names are on certain rolls of the Cherokee Nation, and that all of the applicants, except those who are too young to appear on any ofthe tribal rolls, are identified on the 1896 census roll. The Commission further finds from the evidence that all of the applicants who were admitted to citizenship in the Cherokee Nation, have resided in said Nation since their admission in 1883, that all the other applicants who were not so admitted are descendants of such admitted persons born since 1883, and are considered to have resided in said Nation all their lives; that the evidence further shows that the said Mattie E. Clark died August 26, 1902, and that section 25 of the Act of Congress approved July 1, 1902, (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

By reason of the foregoing facts and findings the Commission is of the opinion that the said William H. Shoemake, Lula B. Shoemake, Mary E. Shoemake, John W. Shoemake, Calvin B. Shoemake, Luda C. Shoemake, Claude Shoemake, Maud Shoemake, Maggie M. Shoemake, Effie Shoemake, William M. Shoemake, Georgia A.

Shoemake, Clem Shoemake, Pigeon Shoemake, Bessie E. Clark, Susie Clark, James Shoemake, John W. Shoemake, (son of James Shoemake), William A. Shoemake, Grace L. Shoemake, James N. Shoemake, Thomas E. Collins, Mary J. Garrett, Gracie D. Garrett, Ellis E. Garrett, Tilman N. J. Garrett, William L. Collins, Harmon A. Shoemake, Rose Anna Shoemake, James W. Shoemake, Noah H. Shoemake, Mattie M. Shoemake, Roxie L. Shoemake, Ella Shoemake, Minnie M. Hensley, William W. Hensley, Angie M. Hensley, Della G. Hensley, Jesse E. Shoemake, Omer Shoemake, Maud Shoemake, Hugh Shoemake, Walsie L. Shoemake, Della Shoemake, Minna Shoemake, Grace Shoemake, Charles P. Shoemake, Minnie M. Shoemake, Bobbie Shoemake, Walter Shoemake, Cherokee G. Shoemake, Mary I. Shoemake, Richard M. Shoemake, Ada Shoemake, Ira Shoemake, Thomas H. Shoemake, Rheda M. Braman, Hugh A. Shoemake, Alta M. Shoemake, and Joseph W. King, should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that the application for the enrollment of Mattie B. Clark as a citizen by blood of the Cherokee Nation should be dismissed.

Attached to said decision of the Commission is a protest by the Cherokee Nation against said decision of the Commission and requesting that the same be forwarded to the Secretary of the Interior for review together with the record and briefs filed by the Cherokee Nation, dated respectively June 5, and June25, 1902. In this protest the Cherokee Nation says it has heretofore

in the briefs above referred to, states its views with reference to the enrollment of these people, both as to these applicants and the law which should govern them with reference to their right to enrollment, and it does not think it necessary to file and additional brief, but calls the attention of the Department to the findings of the Commission wherein it is argued that some subsequent admissions were made by other courts or commissions; that the brief in this case shows that no other testimony was ever introduced before the Cherokee Commission after the alleged fraudulent admission of William H. Shoemake, in January 1883, and that proof of relationship to him was all that was ever afterwards submitted, and the Nation contends that if he and his family were fraudulently admitted, that the other admissions being based upon his, were also fraunulent.

Said protest further declares that it is not believed that Congress intended that any technical construction should be placed upon the word "fraud" as used in the act of June 28, 1898, and that the widest latitude should be given in the investigation of alleged fraudulent citizenship cases. The Attorney for the Nation in said protest further states that N. W. C. Duncan was the educated clerk of the Court, and that the court was composed of two full bleed Indians now dead; that they are not here to testify and if living, in the very nature of things, it would indeed be difficult to more directly prove fraud in this or in any other case; and said protest concludes by holding that these applicants are not Cherokee Indians, but they are frauds, and have no equities

whatever, and that they ought not to be enrolled as citizens of Cherokee Nation.

I have examined ~~this~~ briefs filed by the Cherokee Nation, and the one filed on July 5, 1902, begins by taking up the original application of , William H. Shoemake and his brother John W. Shoemake, filed with the Commission on Citizenship, September 10, 1880. It is shown that the application was continued until the January term 1881, by the plaintiff, when it was again continued by him until the september term 1881; that on september 24, 1881, the case was withdrawn; that the application was refiled on the 4th day of January 1882, continued to the september term of that year by the Commission, and was again continued to the January term 1883, and that on January 25, 1883, the Nation claims that a judgment was entered admitting the applicants to citizenship and that the same was fraudulent. The basis for this claim of a fraudulent judgment seems to be upon the ground that there was a judgment entered rejecting the applicants, and that part of the judgment was erased and reqritten ,admitting the applicants to citizenship in the Cherokee Nation, and it is contended in said brief that the same is in the handwriting of the clerk of the court. The brief then sets out that there was introduced by the Cherokee Nation a motion to reconsider, which motion it is contended discloses the fact that the applicants were rejected. It is now alleged that this motion to reconsider is signed by E. N. Benge

and C. H. Taylor, attorneys for claimants, but that it is in the handwriting of the clerk of the court, and that S.H. Benge denies that he was ever an attorney for the claimants, or that he ever had any knowledge of any such motion having been written, or that he ever authorized his signature to the same.

The brief then goes into the matter of the testimony as submitted to the said Teehee Commission, and undertakes to show that the evidence was not sufficient to sustain the claim of the applicants. I do not deem it necessary to go through this long brief and take up the different reasons therein attempting to show that this judgment of the Teehee Commission was fraudulent. The question of vital importance is -- Has the Cherokee Nation submitted sufficient proof to show that the entry of this judgment was a fraudulent act of the clerk? I do not consider that the Nation has so shown, and I do not consider, under all the circumstances connected with this transaction, that the Cherokee Nation now has a right to complain or to attempt to defeat the enrollment of these parties on the ground of a fraudulent admission of the principal applicants.

The record shows on page 15 of the record of the "Supplemental testimony and proceedings in the matter of the application of William H. Shoemake, for the enrollment of himself and children as citizens of the Cherokee Nation, " the following:

Office Commission
On Citizenship,
Tahlequah, C.N.

Hon. D. W. Bushyhead,
Principal Chief, C. N.
Dear Sir:

In the case of W. C. Shoemake, et. al., and J. D. Shoemake, et. al., versus the Cherokee Nation, petitions for citizenship in the Cherokee Nation. W. C. Shoemake claims to be the son of W. H. Shoemake, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Teehee commission on the 25 day of January 1867. And J. D. Shoemake, et. al., who claims to be the son of Betsy Ann Shoemake, who was a full sister to J. W. Shoemake and W. H. Shoemake, who were admitted to citizenship in the Cherokee Nation, by the Thomas Teehee Commission on the 25 day of January 1883. The Commission after a careful examination of the evidence in the said case of W. C. Shoemake, and J. D. Shoemake decided that inasmuch as the docket and records of the said Thomas Teehee Commission shows that said J. W. Shoemake and W. H. Shoemake were admitted to all the rights, privileges and immunities as other native born Cherokees within the limits of the Cherokee Nation on the 25 day of January 1883. The Commission finding the above mentioned cases upon the said records of the said Teehee court or Commission as above stated, could not legally decide to reject the said case of W. C. Shoemake, et. al., and J. D. Shoemake, et. al.

But at the same time, believing that said W. C. Shoemake et. al., and J. D. Shoemake, et. al., are not Cherokees by blood, and that the said J. W. and W. H. Shoemake, whose respective cases were decided by the Thomas Teehee commission on the date above mentioned was a fraud committed upon the Nation by the said parties, we would therefore ask, and recommend, that the said cases of J. W. & W. H. Shoemake be reinvestigated by the national council, believing that the said J. W. & W. H. Shoemake obtained their rights through fraud. We would also refer the case of W. C. Shoemake, et. al., and J. D. Shoemake, et. al., to the National council.

We remain, very respectfully,

(Eli Spears, President.
(Andrew Young, Com.
(John Lee, Com.

Attest, C. O. Frye,
Clk. Com.

This the 27th day of September 1884.

It appears from this communication that the matter of the admission of the said W. C. and J. D. Shoemake, by the Teehee Commission, was taken up at an early date and the charge of

fraud brought against the proceedings by which they were admitted. It further appears that the citizenship court then in existence held that it had no power to set aside the judgment admitting them, but took the proper action in bringing the matter to the attention of the Principal Chief and suggested that the Shoemake cases be brought to the attention of the National Council, which Council could assume jurisdiction and by means of legislation annul the judgment of the citizenship court; but the record does not show that the National Council ever did anything relative to the matter submitted to the Principal Chief, nor does it show that the Principal Chief called the attention of the National Council to the alleged fraud as he was requested to do by the members of the Citizenship Commission.

If there was fraud in this case, the Nation was fully advised thereof almost twenty years ago, and yet it never took any action looking to expunging its record of what it claimed to be a fraudulent judgment as to citizenship; but instead it permitted the names of William H. and John W. Shoemake, together with the members of their family, to go upon the 1893 pay-roll and on the 1894 strip payment roll of the Cherokee Nation, and they have been exercising all the rights of Cherokee citizenship ever since the date of their said admission by the Tochee Commission.

In its brief filed July 25, 1902, the attorneys for the Nation set out several citations as to fraud, and it is a well known principle, as stated herein, that fraud vitiates everything.

But it is also a well known legal principle that as soon as the fraud is discovered the party defrauded is expected to take action within a reasonable time to have the fraudulent transaction set aside; and that unless the party defrauded does take such action within a reasonable time, or a least within the time fixed by the Statute of Limitations, he must abide by the consequences of the fraud and can not have the transaction set aside. I know of no Statute of Limitation in force in the Cherokee Nation in 1903 relative to fraud, but I do not consider the fact that there is no such statute gives the party complaining of the fraud the right to delay action to have it set aside for an indefinite period, and the Cherokee Nation in this instance has certainly been guilty of gross laches, for it was advised of fraud in this matter very soon after the judgment was entered.

It is not to be inferred from this that I consider that even though fraud might be established, the Nation in equity is now barred fromattempting to establish it. By reason of the fact then that I do not considerthat the Nation has been able to prove that the judgment of the Tochee Commission admitting the principal applicants to citizenship in the Cherokee Nation, and as a consequence making it possible for the admission of all of the other applicants, was fraudulent, and for the further reason that I do not consider that the protest of the Nation on the ground

of fraud should be entertainedby reason of the lapse of time and neglect of the Nation. I am of the opinion that the decision of the Commission to the Five Civilized Tribes is in accordance with the established facts and the law, and I therefore recommend that it be approved by the Department.

Very respectfully.

Commissioner.

W.C.B.-L.C.

J.W.H.

D.C. 18832-1904. FHE

I.T.D. 512-1904
4380- "

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 30, 1903, you transmitted the record in the matter of the application of William H. Shoemake (Cherokee D-123), et. al., for enrollment as citizens of the Cherokee Nation.

In your decision of November 16, 1903, which was transmitted with the record, you held that all of the parties applicant in this case, claiming Cherokee citizenship by reason of their Cherokee blood, are entitled to enrollment except Mattie B. Clark, who died August 26, 1902.

Inasmuch as the right of intermarried Cherokees to enrollment has not been determined, you took no action as to the rights of the applicants in said case who claimed enrollment by intermarriage.

It appears that the principal applicants in this case were admitted to Cherokee citizenship in 1883, by certain decrees of tribal courts. The attorneys for the Cherokee Nation allege that the said decrees were obtained through fraud, and that the record of the court which admitted them was fraudulently altered. Said attorneys accordingly protest against the enrollment

Cherokee D 123
et al

Muskogee, Indian Territory, June 14, 1904.

Thomas H. Owen,

Attorney for William H. Sheemake, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Glen, Pigeon, James, John W., William A., Grace L., James N., Harmon A., Rose Anna, James W., Noah H., Mattie M., Roxie L., Ella, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta M. Sheemake, Bessie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, Minnie M., William W., Angie M. and Della G. Mensley, Rhoda M. Branum, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cherokee D 123
et al

Muskogee, Indian Territory, June 14, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William M., Lula B., Mary M., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Glen, Pigeon, James, John W., William A., Grace L., James M., Harmon A., Rose Anna, James W., Noah M., Mattie M., Roxie L., Nila, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Minna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta M. Shoemake, Bessie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, Minnie M., William W., Angie M. and Bella G. Menaley, Rhoda M. Brannon, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

of the applicants.

The record in the case was submitted to the Assistant Attorney General for this Department April 21, 1904, with the request that he advise the Department, in view of the evidence of fraud submitted, what course should be pursued. An opinion was rendered by the Assistant Attorney General in the matter on May 27, 1904, and approved by the Department on the same day, a copy of which is inclosed herewith for your information. In this opinion it is held that the applicants should be enrolled as citizens of the Cherokee Nation, the testimony relative to fraud being insufficient to impeach the verity of the record.

Reporting in the matter January 19, 1904, the Acting Commissioner of Indian Affairs recommended that your action be approved. The Department has examined the testimony pertinent to the questions in issue, and is satisfied that your action in the matter was correct. Your decision is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,
Acting Secretary.

2 inclosures.

Cherokee
D 1071.

Muskogee, Indian Territory, January 10, 1907.

Nancy Shoemake,

Gritts, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying, among others, your application for enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorneys have heretofore been furnished copies of the record of proceedings had in your case and there has this day been forwarded them copies of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl HJ-55.
HJC

Commissioner.

Cherokee R
63 et al.

Muskogee, Indian Territory, January 10, 1907.

Thomas H. Owen,

Attorney for Sirena P. Shoemake, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-7
HJC

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

Thomas & Harrison,

Attorneys for Sirena P. Shoemake, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-71.
HJC

Commissioner.

Cherokee R.
63 et al.

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,

Attorneyffor the Cherokee Nation.

Muskog e, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 1, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation.

The decision, together wi h the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You wil be advised of the Secretary's action as so n as this office is informed of the same.

Respectfully,

Encl.HJ-90.
HJC

Commissioner.

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 1, 1906 (I.T.D.512-1904), there is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sirena P. Shoemake, et al., for enrollment as citizens by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the applications for the enrollment of Sirena P. and Elizabeth Shoemake, Charles P. Clark, Clara, Nancy, Laura Annie and Mollie F. Shoemake, and William A. Hensley as citizens by intermarriage of the Cherokee Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. HJ-60.
HJC

Commissioner.

(Copy)

Land
4433-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 1, 1906, I.T.D. 512-1904, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, transmitting the record relative to the application of Sirena P. Shoemake et al., for enrollment as citizens by intermarriage of the Cherokee Nation. The parties to the case are Sirena P. and Elizabeth Shoemake, Charles P. Clark, Clara, Nancy, Laura, Annie and Nellie P. Shoemake and William A. Wensley, all of whom apply for enrollment as citizens by intermarriage.

The record in the case shows that Sirena P. Shoemake was married in 1868 to William H. Shoemake, who was not at that time a citizen of the Cherokee Nation but was admitted to citizenship therein in 1883; that Elizabeth Shoemake was married about 1870 to James H. Shoemake, who was not then a citizen but was admitted in 1883; that Charles P. Clark was married in 1888 or 1889 to Sophia Sheraff, a citizen by blood that Clara Shoemake was married in 1890 to James Shoemake, a

citizen by blood; that Nancy Shoemake was married in 1887 to Harmon A. Shoemake, a citizen by blood; that William A. Wensley was married in 1895 to Minnie Shoemake, a citizen by blood; that Laura Shoemake was married in 1887 to Jesse E. Shoemake, a citizen by blood; that Annie Shoemake was married in 1893 to Charles Franklin Shoemake, a citizen by blood; and that Mollie F. Shoemake was married in 1891 to Richard W. Shoemake, a citizen by blood.

The record also shows that all the applicants are white persons, and that none of them claims any right to enrollment in the Cherokee Nation except by virtue of the marriages mentioned. Mr. Kirby says, in his decision, that none of their names is found on the tribal roll of 1880.

Under the decision of the Supreme Court in the case of Daniel Red Bird, et al. vs. the United States (203 U.S., 76), the applicants are not entitled to enrollment, and the approval of the Commissioner's adverse decision of January 10, 1907, is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAW-GM

L.P.

D.C.10517-1907.
I.T.D.3554-1907.
LRS

Direct. DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

(COPY)

February 19, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 10, 1907, you transmitted the record in the matter of the application for the enrollment of Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, Laura Shoemake, Annie Shoemake, Nellie F. Shoemake, and William A. Hensley, as citizens by intermarriage of the Cherokee Nation, including your decision of the same date, denying said application.

Reporting February 15, 1907 (Land 4433-07), the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

1 inc. and 2 for Ind. Of. First Assistant Secretary.

A. P. C.
2-20-07.

Cherokee D1071

COPY

Muskogee, Indian Territory, March 11, 1907.

Nancy Shoemake,

Gritts, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

Respectfully,

SIGNED

RPI

Commissioner.

Cherokee R 63
et al

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas A Harris,

Attorneys for Sirena P. Shoemake et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of departmental letter referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

RPI

Enc I-3

Cherokee R 63
et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas H. Owen.
Attorney for Sirena P. Shoemake, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, ebruary 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

RPI
Enc I-2

Cherokee R 63
et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

RPI

Enc I-1

END
OF
ROLL